

Maryland DNR

*Winter Meeting of the Tidal Fisheries
Advisory Commission*

Thursday,
January 28, 2016

Held at the

Maryland Department of Natural Resources
Tawes State Office Building
C-1 Conference Room
Annapolis, Maryland

Maryland DNR
Winter Meeting of the Tidal Fisheries Advisory Commission

January 28, 2016

TFAC Members Present:

Billy Rice, Chair

Rachel Dean
Robert Gilmer
Bill Goldsborough
Ken Jeffries (*proxy for Greg Jetton*)
Ray Maddox (*proxy for Lee Wilson*)
Charles Manley
Bill Sieling
Gail Sindorf
Aubrey Vincent

TFAC Members Absent:

Dale Dawson
Greg Jetton
John Martin
Lee Wilson
Richard Young

Maryland DNR Fisheries Service

David Blazer
Paul Genovese

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KEYNOTE: "----" denotes inaudible in the transcript.
 "*" indicates word is phonetically spelled.

A F T E R N O O N S E S S I O N

(2:09 p.m.)

Welcome and Announcements

by David Blazer, Director, MD DNR Fisheries Service, and Billy Rice, TFAC Chairman

MR. RICE: I would like to welcome everybody and call the meeting the order. Our first order of business -- Dave, do you have anything to bring before the commission in announcements?

MR. BLAZER: Not at this point. I think there are some things we will kind of inject on some of the agenda items. So we will hold off until those things.

MR. RICE: All right. Well, I personally don't have any announcements either. So we will move into the public comment portion of the meeting. If anyone here from the audience would like to take a minute to express their opinions on something that is not on the agenda, now would be the time. Identify yourself, please.

Public Comment

MS. WHILDEN: It is Marguerite Whilden, and I am representing the Terrapin Institute here today. And I spoke with Mr. Rice a little while ago.

But this morning I had some very good conversations with various people, and what I would like to propose or request, or my desired outcome would be for the commission to consider a plan of action for Diamondback Terrapin. And the

1 | reason being that the mandate for conservation remains under
2 | the fisheries purview in the statute, and for the last 10
3 | years it has been -- well, there was a transfer of the species
4 | to Wildlife and Heritage, and for the last 10 years they have
5 | endeavored to establish the conservation regulations, I
6 | assume, by virtue of the mandate.

7 | But they have not been able to do that, and at the
8 | last workgroup meeting of the terrapin group, I think it was
9 | made clear that, by those in attendance, that the species
10 | should return to fisheries for the type of regulations that
11 | are needed for conservation.

12 | MR. RICE: Well, possibly we could ask our staff to
13 | provide us with some information on currently what is going on
14 | and why we got to where we are at. And that we could make a
15 | more reasonable assessment at that time. George can help with
16 | that, I am sure. If you would like to forward this to our
17 | next meeting, I am sure we can accommodate you.

18 | MS. WHILDEN: That would be wonderful. Thank you
19 | very much.

20 | MR. RICE: Thank you very much for your comment.
21 | Does anybody else have anything? Robert T.?

22 | MR. BROWN: Robert T. Brown, president of the
23 | Maryland Watermen's Association. Two things: One of them has
24 | to do with Man-O-War Shoals, shoals up there. The Maryland
25 | Watermen's Association is opposed to the dredging of shells up

1 | there at this time. It is the only oyster bar that the
2 | counties of -- that Baltimore County has. Also that the -- it
3 | has been planted for the last three years with spat on shell,
4 | and they have a plan to keep planting that oyster bar.

5 | So they are going to try to make it active in the
6 | upper part of the bay, plus it would also interfere with some
7 | crabbing and stuff later on and possibly some other fishing up
8 | in that area.

9 | The other thing is down on the Potomac at Quantico,
10 | there is -- Dominion Power of Virginia, which has got a permit
11 | to drain their fly ash ponds into the Quantico Creek, which
12 | dumps into the --

13 | (Cell phone ringing)

14 | MR. RICE: Excuse me, Robert T. That is my fault.
15 | I meant to cut this darn thing down and I didn't. I got to
16 | talking to too many people. Uh oh. I am cutting down my
17 | earpiece volume. That is not good.

18 | (Laughter)

19 | MR. RICE: Being that I am the guinea pig, if
20 | anybody else hasn't put their phone on vibrate, do it now.
21 | Thank you. All right. Sorry about that, Robert T.

22 | MR. BROWN: No problem. So anyhow, they got a
23 | permit to drain these fly ash ponds, and in the process of
24 | doing that, they also found out that it is what they call a
25 | toe drain, which has been in pond D, I believe is which one it

1 was.

2 And it has been dumping some of the spoils from that
3 for over 30 years into the Quantico Creek, which dumps into
4 the Potomac River. And this fly ash contain cadmium,
5 selenium, arsenic and a whole host of other heavy metals and
6 stuff.

7 And for them to drain these three ponds, I believe
8 it is -- I think they have got four or five there but it is
9 three of them -- but to drain these three or four ponds, it is
10 approximately 215 million gallons. It would take them to dump
11 it into the river, at a slow rate it would them between six
12 and seven months. The Maryland Watermen's Association is
13 opposed to this as are a number of other groups.

14 And we request that the Tidal Fish take this under
15 careful consideration and be opposed to it also. Thank you.

16 MR. RICE: Thank you, Robert T. You helped me out
17 initially because now I think I can skip the first paragraph
18 on the letter I would like to read on behalf of the Potomac
19 River Fisheries Commission. Everybody I think has a copy
20 anyway but Robert T. has pretty much brought you up to speed
21 on the background and where we are at.

22 Basically this is -- I am reading this on behalf of
23 PRFC.

24 I propose to Maryland DNR's Tidal Fisheries Advisory
25 Committee to recommend to the Secretary of the Department of

1 Natural Resources to have Maryland DNR continue to support
2 Potomac River Keepers, the Potomac River Fisheries Commission
3 and other entities in the opposition to the discharge of the
4 contaminated waste water into the Quantico Creek and the
5 Potomac River under the specifications of the current permit
6 and insist that the permit be withdrawn and revised to achieve
7 the best possible outcome for the Potomac River ecosystem.

8 The portion of the Potomac the discharge is proposed
9 to be released is in the middle of the spawning reach for
10 striped bass, is in the middle of the harvest area for
11 commercially caught blue catfish, and is located in an area
12 where multiple endangered species live, including the
13 Atlantic Sturgeon.

14 It is in close proximity to the American Shad
15 spawning area at Pohick Bay, in close proximity to the
16 proposed marine sanctuary at Mallow's Bay, and a valuable area
17 of the river for largemouth bass.

18 Lastly the Maryland DNR and the TFAC recommends that
19 the Secretary of the Department of Natural Resources reaches
20 out to the Secretary of the Department of the Environment to
21 join in opposition to the conditions of the existing permit
22 issued to Virginia Dominion Power by the Virginia Department
23 of Environmental Quality.

24 So I think what I would like to propose to the group
25 would be if we could entertain a motion from this committee to

1 forward to the Secretary of the department to move forward and
2 use whatever tools we have to help out in this situation, it
3 would be great. Bill?

4 **MOTION**

5 MR. GOLDSBOROUGH: I move that.

6 MR. RICE: And second by Charles? We don't need any
7 further discussion unless somebody has something. All in
8 favor, aye?

9 (Chorus of "ayes")

10 MR. RICE: Opposed?

11 (No response)

12 MR. RICE: It is unanimous. Thank you. Dave, can
13 you forward that for us, please? We thank you for your
14 support in this matter. Unfortunately we have some previous
15 experience with how detrimental this type of situation can be.
16 In the tributaries of the Wicomico River, we have an ash dump
17 site that spills into the Zekiah Swamp.

18 And I don't guess anybody can prove it other than I
19 can tell you this much. When I was young and a beginning
20 fisherman on that river, we had great runs of striped bass and
21 white perch every spring. And it just happens to coordinate
22 that those two things cease to exist now that the ash site
23 came into play.

24 So it is really a terrible thing when you have
25 somebody who uses something as valuable as our natural

1 resources as a dumping ground. That is basically what it is.
2 So we appreciate the support from this group. Yes, Dave?

3 MR. BLAZER: If I can just make one comment to I
4 guess piggyback on Robert T.'s comments about Man-O-War
5 Shoals, there are hearings next week, two of them, I believe
6 Tuesday and Wednesday night.

7 Tuesday is in Baltimore County and Wednesday I think
8 is down in Dorchester County. So they will be taking comments
9 on those -- on that proposal. If you can't make the hearings,
10 written comments will be accepted. The Corps and MDE are
11 going to be running those hearings and accepting those
12 comments for consideration, so I appreciate it.

13 If you can go, great. Make a comment. Or if not,
14 send a letter from your respective organization or yourselves.
15 I just want to follow that up.

16 MR. RICE: Thank you very much. And before we move
17 on to the next topic, Bill, anything you can do to help us out
18 in the matter with the coal ash from your group, we would
19 appreciate it.

20 MR. GOLDSBOROUGH: I did talk to Robert about this.
21 He called me last week, and I let him know that our Virginia
22 office is already working on this.

23 They actually -- they attend all the state Water
24 Quality Control Board meetings and were there at that one and
25 are opposed and are working with other Virginia groups

1 opposing it, including the James River Association and the
2 Southern Environmental Law Center that are leads on it, that
3 are probably going to protest it along with other groups like
4 Potomac River Keepers, if it comes to that.

5 MR. RICE: Thank you very much. Our next agenda
6 item is the NRP report by Lt. Aaron Parker. Mr. Parker, are
7 you here with us?

8 ***NRP Activity Report***

9 ***Acting Lt. Aaron Parker, MD DNR NRP***

10 LT. PARKER: Hi, how is everyone doing today? I am
11 filling in for Lt. Art Windemuth. He is on vacation so he is
12 enjoying himself somewhere. You all have received I guess the
13 handout ahead of time with the list of violations from the
14 last quarter that are noteworthy cases.

15 The only noteworthy case that was omitted from this
16 was in November there was a person in Anne Arundel County who
17 was charged with harvesting oysters in a polluted area. And
18 that would be about the only thing I would add unless anyone
19 has any questions or anything.

20 MR. RICE: Not seeing any questions, we will accept
21 your report. And we thank you very much. Dave, would you
22 please like to bring us up to date on the fisheries budget
23 update, please?

24 MR. BLAZER: Okay, sure.

25

1 *Fisheries Budget Update*

2 *by David Blazer, Director, MD DNR Fisheries Service*

3 MR. BLAZER: Thank you, Mr. Chairman. I just wanted
4 to take a few minutes today and introduce the fisheries
5 service's budget. It just came out late last week, and we
6 wanted to share some of the information with you.

7 It is not a very detailed Powerpoint. It is kind of
8 very generic at this point because it was just released with
9 all the snow days. We were closed for two days last week. We
10 haven't had a chance to really drill down into the specificity
11 of the budget here.

12 But I wanted to share these numbers with you and
13 give you kind of a heads up about the condition of our budget
14 here in fisheries. You know, it is in line with, you know,
15 some of the governor's initiatives of trying to be fiscally
16 responsible, so our budget, as you can imagine, is a little
17 reduced for fiscal '17. And I will talk a little bit more
18 about fiscal '18 and some other things toward the end.

19 (Slide)

20 First -- I know this is a little hard to read. It
21 is just a comparison. And again because this is hot of the
22 presses, we will send this you later. And I know you don't
23 have a copy of it in your packet.

24 But we have four basic fund types in the fisheries
25 budget. This is our 2016 budget. Realize the numbers are

1 difficult to see but we have general funds -- and you have to
2 excuse me. I am color blind. But general funds are this
3 wedge up in here, kind of the smallest portion of the pie.
4 Special funds is the largest. You know, that we get from
5 fishing license revenue. I am sorry. This is federal funds
6 that we receive, things like Wallop-Breaux, NOAA funds and so
7 forth, our portion of the budget.

8 And I am sorry. I got them backward. These are
9 reimbursable funds, things like the MDOT grant that we get.
10 These are the general fund piece of the pie that you can see.
11 These are just special, kind of one-time or once-a-year-type
12 shots. General funds are what we get allocated as we go
13 forward.

14 (Slide)

15 Here is just kind of a breakdown by the different
16 budget categories that we use. You can see, you know, we have
17 a lot of personnel costs to be able to do a lot of our surveys
18 and studies and research that we do here. You can kind of see
19 a lot of our other funds and kind of what percentage of the
20 overall budget that they are.

21 Just a couple highlights here. Contractual
22 services, you know, those are things like -- predominantly
23 with like oysters, our arrangements with LRP and so forth.
24 Association dues and subscriptions. You know, those are
25 things like our fees for ASMFC, for Potomac River Fisheries

1 Commission.

2 (Slide)

3 Here, this slide is really kind of the telling one
4 of kind of where we are going right now, comparing FY15, what
5 we actually spent in fiscal '15. The current budget year of
6 fiscal year '16 budget that we are operating under at this
7 point and then the fiscal '17 allowance that was released in
8 the governor's budget last week.

9 So again when you get this, you will be able to kind
10 of look through. You can see, you know, the different
11 categories. The ones in parentheses are decreases from '17 to
12 '16. So you can see our budget is about \$700,000 less this
13 year than it was in fiscal '16.

14 (Slide)

15 Again another way looking at some of the allowances
16 where you look at salaries, communications,
17 contractual -- kind of the breakdown of how things are going
18 to be spent.

19 Again salaries is a pretty large number. You can
20 see some of the reductions are through contractual services.
21 So that is a big chunk of the breakdown. I don't have the
22 specifics of what those specifically are but on the next page
23 I have some general ideas of what is being reduced over time.

24 (Slide)

25 This one -- these are just some of the things that

1 have either been cut out of the budget -- most of them have
2 been reduced. You know, cut out of the budget was the fishing
3 challenge and the Diamond Jim cash prize that we have used.
4 We are no longer probably going to go to the Boston Seafood
5 Show.

6 We have basically cut interns and seasonal
7 employees. Some equipment like a UV Sanitizer that we have
8 proposed to purchase at Bear Creek Hatchery. Restrictions on
9 travel. Some of the promotional materials of the True Blue
10 cards. There are some other -- like some of our facilities.
11 We have got a lot of facilities across the state -- hatcheries
12 offices, like at Oxford, and so forth.

13 Some of the maintenance contracts, laboratory
14 equipment replacements. We are looking to reduce the
15 e-reporting contract. Not eliminate that totally but reduce
16 that somewhat.

17 We believe that we are going to be able to keep our
18 mission and our objectives moving forward with this budget but
19 again some of -- like, for example, the off-shore samplings.
20 We are kind reducing the number of off-shore data sets that we
21 will be collecting so this is just kind of a list of some of
22 the things.

23 The other one that I didn't put on here, that I have
24 talked to Bill Sieling about, we don't have any money for the
25 Blue Crab Quality Assurance Program that we have helped to

1 contribute to during the last couple years where they test the
2 blue crab meat and so forth.

3 So we have been talking to Bill about other methods
4 or other ways of trying to get funds for that.

5 (Slide)

6 There are still some challenges ahead. You know,
7 one of the big bumps, if you looked at our personnel/staffing,
8 it is actually an increase. A lot of that is from health
9 insurance costs, which are increasing for us. So being able
10 to accommodate those. That is something that we are going to
11 have to deal with.

12 Our special funds have been steady -- maybe a little
13 bit of a decline but basically have been flat over time. They
14 are not growing. You know, our federal funds, again they are
15 not growing. They have been stagnant for several years at
16 this point.

17 You know, we have got aging vehicles and vessels and
18 facilities and equipment so we are a little concerned about
19 some of those things as far as challenges.

20 Now the other component here that I want to
21 introduce to you is you can kind of see the second bullet
22 here, special fund attainment has kind of -- and license sales
23 are relatively flat. We are anticipating a bill to come out
24 in the general assembly that is going to be reducing fees, and
25 recreational and commercial license fees are going to be part

1 of that.

2 We can't talk about it at this time until it gets
3 dropped. Once it gets dropped we will let you know the
4 specifics of that but that is also going to be, you know,
5 really one of the challenges that we have. We hope to make up
6 some of the license fee reductions with general funds but
7 still it is going to make some challenges for us in the
8 future.

9 You know, I also want to mention that the -- you
10 know, these are two of Governor Hogan's pillars. One is
11 fiscal responsibility for government agencies. And then also
12 trying to reduce fees and taxes. And the governor has a
13 pretty extensive list of fees that he is trying to reduce.
14 And recreational/commercial fishing license fees are part of
15 that.

16 We will give you more information when that becomes
17 available but that is just a heads-up that, that is
18 something -- it probably won't impact our fiscal '17 budget
19 but in '18 that could be a variable we are going to have to
20 deal with.

21 So I just wanted to really give you all a heads up
22 about that, kind of where we are. We are still digging into a
23 lot of the numbers, of the specifics of what it all means and
24 kind of where it is. But with all the closures and snow days,
25 we really haven't had a chance to really dive into a lot of

1 MR. BLAZER: Well, basically that was a pretty
2 expensive endeavor we looked at and thought we might be able
3 to reduce that. You know, one of the challenges here, and
4 again I can't -- because we haven't been able to dig down
5 specifically into a lot of these things, because you have got
6 four different funding categories, special funds, there are
7 certain things that money can be spent on with those special
8 funds. The federal funds are pretty well dedicated.

9 General funds, you know, are pretty open to what we
10 can do. You know, we have got a lot of those special funds,
11 the seafood marketing component. So as we look at those, they
12 are not growing. They are not having more funds come in so we
13 have had to look at -- in each one of those areas, what can we
14 reduce? And that is kind of where we came out at this point.

15 MR. SIELING: Was this something that the Seafood
16 Marketing Advisory Commission recommended?

17 MR. BLAZER: No. You know, that is one of the
18 things that -- we had this discussion with sport fish the
19 other day. Again with the transition here at DNR with me and
20 so forth coming in, I would like us to get more of a
21 transparent process coming forward but we just didn't have
22 time to do that. And with the changes and a lot of things
23 unknown --

24 I am hoping that in future years we will come to you
25 with ideas and suggestions of, you know -- is this a priority?

1 | Is this not a priority? We need some feedback from you all as
2 | to be able to make those types of determinations.

3 | MR. SIELING: Well, I guess I don't want to belabor
4 | this today but is this a irrevocable process? I mean, is that
5 | a fait accompli that, that is going to happen? Does the
6 | marketing commission have any say so?

7 | MR. BLAZER: Well, I think -- it is in the general
8 | assembly's hands right now so it could be part of their
9 | deliberations and discussions.

10 | MR. SIELING: The general assembly would discuss how
11 | seafood marketing spends money that is allocated to it from --

12 | MR. BLAZER: I think they could ask the questions
13 | and bring those issues up. But again I am not sure exactly
14 | how the detailed budget process goes but it is in the general
15 | assembly's hands now. The governor has proposed it. And that
16 | is kind of where we are right now. They will deliberate and
17 | discuss how those funds are going to be used.

18 | MR. SIELING: That is new. They have never done
19 | this before with groups like seafood marketing.

20 | MR. BLAZER: Well, I am not sure they get --
21 | normally get down into that level.

22 | MR. SIELING: Yes, I am just saying --

23 | MR. BLAZER: But they have discussions about budgets
24 | and how those funds are used. So maybe they just haven't done
25 | that with the seafood marketing.

1 MR. RICE: Well, my question would be if this is
2 coming through the legislation, if the bill is defeated then
3 we are right back to where we were, we wouldn't do this?

4 MR. BLAZER: Well, they are going to negotiate back
5 and forth. They always -- you know, that is part of the
6 statutory requirement that the governor, they have to have a
7 bill approved 10 days before the end of the session.

8 So there will be a lot of negotiations that are
9 going on with budget items and so forth.

10 MS. VINCENT: And this may be sooner than when we
11 can really answer this question. I also noticed too, on the
12 same list that Bill is referring to, where it was different
13 bullet items, that under the True Blue stickers you had
14 striped bass tags. So I didn't know -- is that something that
15 has already been discussed as far as what you are going to cut
16 there?

17 It may be too soon to really answer. I just was
18 curious.

19 MR. BLAZER: I will let Mike answer it.

20 MR. LUISI: I don't have an answer for you. I saw
21 that as well and I was trying to ask what striped bass -- you
22 know, striped bass tags are paid for by the commercial
23 watermen through their license -- when they pay their license
24 fees and renew their striped bass permit. They are paying for
25 the tag processing fees that we pay.

1 So that is just a question how it made it onto that
2 list.

3 MS. VINCENT: That is why I asked it.

4 MR. LUISI: We have drastically reduced our costs on
5 tags. I mean, there could -- so we have to estimate well in
6 advance how many tags we will need. And we have gone through
7 the process establishing the new management system that we
8 have. We have cut our tag costs down internally tremendously.

9 MS. VINCENT: Or just based on knowing how to do it
10 now and going through the process.

11 MR. LUISI: Yes. And when we are collecting the
12 fees, we don't --

13 MS. HUNT: We don't charge the fees like we did
14 before. You remember the last couple years we had that? You
15 paid after the fact. You paid per tags you used. Everything
16 has changed. So basically through -- you are right. Over a
17 few years of doing this, we have learned a lot, became a lot
18 more efficient.

19 What those cuts are showing you is FY17 compared to
20 FY16. So we are not cutting the tags we are purchasing. But
21 we now know that we don't need what was in the budget for '16
22 into '17 to pay for those tags in advance. The department
23 pays for them up front, right? We have to pay the vendor.
24 And then we collect the money from the watermen at the time of
25 declaration.

1 So what we -- basically what you see there is just a
2 reduction. It is only a reduction in the amount of money that
3 will be spent on striped bass tags.

4 MS. VINCENT: Are you telling me lower costs but
5 same goods and services? Is that what you are telling me?

6 MS. HUNT: But one more thing to be clear because I
7 want to make sure these two things don't get muddled together.
8 This is the budget presentation about '17. And in no way does
9 that have anything to do with any bills that might be coming
10 for fee reductions in FY18.

11 So Bill's comment about does this mean that seafood
12 marketing fee is going to go down? No, absolutely not.
13 Completely unrelated.

14 MR. BLAZER: Maybe it is just bad terminology, cuts
15 and reductions. But, you know, a lot of those, we are not
16 cutting them out. We are not cutting them out completely.

17 MS. VINCENT: It just potentially could be a reduced
18 expense.

19 MR. BLAZER: Right, right. And as Mike and Gina
20 have said, it is getting more educated and figuring out that,
21 you know, maybe we put \$400,000 in striped bass tags. Maybe
22 now it is \$350,000 because we are more efficient. So it is
23 just kind of a learning and an evolution as we go through.

24 MR. SIELING: One last question. Like with the
25 seafood show, when will we know -- how will we get input into

1 | this process? I mean, who -- when are we going to know what
2 | the actual reduction or elimination actually could be?

3 | MR. BLAZER: Well, we won't know until the budget
4 | gets approved.

5 | MS. VINCENT: As late as April?

6 | MR. BLAZER: Yes.

7 | MR. SIELING: But once it is approved it is too
8 | late, isn't it?

9 | MS. VINCENT: Well, then they have to divvy it up
10 | based on that budget. Like, let's say the chunk is \$400,000.
11 | Then I guess -- could you petition DNR to try and divert those
12 | funds to the Boston Seafood Show if that is where you see the
13 | value?

14 | MR. BLAZER: There is some flexibility but again it
15 | is where is the priority and where, you know --

16 | MS. VINCENT: More bang for your buck.

17 | MR. BLAZER: -- you know, we go through. So there
18 | are processes through the general assembly but again where is
19 | that money going to be coming from, and how are we going to
20 | spend that? And I don't have the level of detail at this
21 | point to cover that.

22 | MR. RICE: Bill?

23 | MR. GOLDSBOROUGH: I have got a question but to
24 | Bill's point, if we have another -- our next meeting is in
25 | late April, it sounds like we would be able to get a report

1 | then on how it turned out and then get certain interest around
2 | the table, like Bill's, and then act on it then to provide
3 | input. Maybe the whole commission could provide input at that
4 | point.

5 | MR. BLAZER: I guess the next meeting is late April?
6 | Is that --

7 | MR. GOLDSBOROUGH: So then I had a different
8 | question.

9 | MR. BLAZER: We wanted to get this to you as early
10 | as we could so you kind of knew what might be coming down the
11 | road.

12 | MR. GOLDSBOROUGH: So I didn't get a chance to ask
13 | this on Tuesday at sport fish but you had a table that broke
14 | it down by the changes, the amount of change in the different
15 | programs and units. It looked to me like estuarine and marine
16 | was the biggest one and then shellfish and aquaculture were
17 | also like six figures, a total of maybe a half a million,
18 | those three.

19 | (Slide)

20 | And those -- yes, that is the one. Yes, more
21 | than half a million. Those are maybe the three categories
22 | that are important to both commissions so I am wondering if
23 | that, at that scale, if you can give us any insight into the
24 | sorts of things that are being cut back and what kind of
25 | services or capabilities might be reduced by that loss.

1 MS. HUNT: First let me just state -- and the reason
2 Dave would be looking at us a little closer on this one was
3 because unfortunately this was discussed right after Dave took
4 this job.

5 MR. BLAZER: My first day.

6 MS. HUNT: Yes, it was his first day and probably
7 his first meeting, trying to come up with these cuts. So this
8 was not something fisheries had, you know, much say in other
9 than where can you get this money? And there is not a lot of
10 time to make those decisions.

11 So this wasn't something that we really could go and
12 take a long process, as much as we would love to have taken a
13 lot more time and gotten a lot more input. That wasn't
14 available to us. So Dave is kind of looking at us like, well,
15 how did you do that again?

16 There were some objectives. We didn't want to cut
17 staff because you need these people to do the work. We are
18 not fat with people. We don't have a lot of extra staff.
19 What we did have was some contractuels, seasonals, like he
20 mentioned on that slide.

21 What you see is just a list of things that we are
22 reducing, and we hire a lot of seasonal contractuels in the
23 summer to work on estuarine projects. Certainly there are
24 some in inland but that is where a lot of that cut is. You
25 have long-term contractuels, short-term contractuels, and

1 people cost a lot of money.

2 So that is a big chunk of that cut across the board.
3 Part of what we are doing -- it is not that we are not going
4 to have any seasonals or any contractuels but we are trying to
5 hire folks. If we reduce the surveys, perhaps we can share
6 contractuels across programs and projects.

7 So, I mean, you figure we have fisheries biologists
8 who are contractuels. Maybe they can work in other programs
9 within estuarine and not just on the eel project or not just
10 on -- you know. So that is -- again, just trying to be a
11 little more efficient and still get the job done.

12 There is aquaculture. You know, that cut, I am not
13 positive that doesn't have anything to do with contractuels.
14 That was simply probably some more administrative costs that
15 we were trying to reduce. They are staffed at where they are
16 staffed. And, you know, some of these really didn't change a
17 lot.

18 Things that were cut were a lot of equipment
19 replacements. Again those vehicles, things like equipment at
20 the hatcheries that we wanted to either replace or purchase
21 and we are just going to delay it until the budget seems like
22 that is going to be possible. So these were things that again
23 we were trying to focus on keeping staff intact to get the job
24 done, just being more efficient and not cutting things totally
25 but just reducing things to make things more efficient.

1 That was the priority going across all of fisheries'
2 budget. And originally we had asked all of the division
3 directors to come to us with a certain percentage decrease.
4 It was impossible because everybody has a different amount of
5 general funds, special funds. So they couldn't all come to
6 the table with the same percent cut.

7 So it ended up all of us sitting together trying to
8 figure out where we could get this from, and some gave up more
9 than others, and that is why you see estuarine with a big cut.
10 But they have a big chunk of the fisheries' budget. So that
11 is, you know -- and again a lot of that was people that got
12 cut.

13 I don't know if that helps you at all. It is not a
14 perfect science, and it wasn't something that was done -- like
15 Dave said, unfortunately, with a really transparent process.
16 But we tried to look at the things that -- what can we live
17 without right now and try to be more efficient with.

18 MR. BLAZER: And still keep our mission intact and
19 keep our objectives and our critical projects. That we are
20 still doing the work that we need to be doing.

21 MS. HUNT: Because some of these are also federal
22 projects we have to do. So we need to have those people there
23 to get them done.

24 MR. GOLDSBOROUGH: Thanks.

25 MR. JEFFRIES: When it comes to the reporting cuts

1 on the e-reports, is that going to affect the new system we
2 have because there are so many systems. You got SAFIS, you
3 got e-reports, you got log books still. Are we going to
4 reduce the options on the reporting? That has got to be a
5 ridiculous budget having three or four systems.

6 As many problems as we have had with reporting, can
7 we just pick one that works instead of four that don't?

8 MR. LUISI: Well, if we could get people to sign up
9 for the newest, latest and greatest system that we have, that
10 would be helpful. Regarding reporting, and reporting,
11 commercial reporting, falls within the estuarine division,
12 which I supervise.

13 We have, over the years, due to the reporting
14 mechanisms that we have currently, which most people do, which
15 is the paper reporting, we have had to contract some of that
16 workload out because we don't have the staff anymore to handle
17 the volume of paper reports that come in so that the
18 information can be entered in some relative timely fashion for
19 use.

20 So things like that are on the table for being
21 chopped and having that become something we do now in house.
22 It is a maybe \$50,000, \$40-\$50,000, line item of contractual
23 services that we no longer will have.

24 So the delay on when you will know when things are
25 being -- as they are reported and what has been harvested is

1 just, it is going to delay that.

2 The more we can get people engaged in working with
3 the electronic reporting systems, that reduces the workload on
4 our staff end on how all that has to happen.

5 So, you know, we have been working, and we have been
6 slowly getting more and more people involved in the electronic
7 reporting. And, yes, we have a number of different ways that
8 people can electronically report. And it is only because we
9 want folks to have flexibility in how they do that right now.

10 The fax system, which is our newest system, includes
11 a hailing component, which a lot of people are holding back
12 from supporting. So, you know, we have all these mechanisms.
13 It doesn't cost us that much more to have them available. But
14 one day if we can narrow the options down and we can focus our
15 attention to one place, we hopefully will be able to have the
16 best product that we can for you guys.

17 And in addition to what Gina said regarding the
18 estuarine and marine budget, there have always been some items
19 within that budget that are there for the purposes of things
20 that happen, come up throughout the year, that we need to do
21 in addition to what we have already planned.

22 And so some of those extras that ultimately get used
23 to balance the overall fisheries budget, if they are not used,
24 will no longer be there. So there will be times when we are
25 going to be asked to do more in a given year, in a given

1 '17 and '18.

2 Bill also sits on the Menhaden board at ASMFC, so
3 Bill, please feel free to help me out if I am going down the
4 wrong path on this.

5 So not long ago, I think it was back in the middle
6 of November, the commissioners received a frequently asked
7 questions memo from the department. It has been on our
8 Website since then kind of addressing some of the concerns
9 that had come up as a result of how we ended up after the
10 annual meeting of the Atlantic States Marine Fisheries
11 Commission back in November.

12 So I thought I would just take a moment. All of you
13 have that in your packets. I am not sure what tab it is
14 behind. Tab 4 is where you would find that. So I thought I
15 would walk through that just quickly with you, and then if you
16 have any questions regarding where we are, I would be happy to
17 try to answer those for you.

18 So regarding quota: Quota is a big thing right now
19 in Menhaden management. It is something new. It is
20 relatively new. It has been a few years now we have had to
21 manage a statewide quota. And it was the result of actions
22 taken by the board to reduce overall harvest of Menhaden along
23 the Atlantic coast.

24 And so the quota for 2016 is going to be the same
25 thing that it was in 2015. There is no increase in quota

1 coming for 2016. The one thing that we have been working on,
2 and we have submitted proposal to the Technical Committee for
3 review and for board review next week at the ASMFC meeting, we
4 are going back to asking the board if the board would allow a
5 double bycatch landing limit for permit holders fishing pound
6 nets in 2016.

7 So if you remember back to the first year we had to
8 manage a quota, we allowed two permit holders to fish aboard
9 the same vessel and land 12,000 pounds per day as long as they
10 were both together. The board reversed its decision in 2015
11 and said that, no, each vessel was only allowed 6,000 pounds.
12 And it caused some trouble with our commercial pound netters
13 who were harvesting the bulk of the Menhaden landings in the
14 state.

15 And what it caused was just an inefficiency of how
16 that product can be brought to the dock because now instead of
17 two people going at once together, they were forced to go out
18 in two vessels or make multiple trips in order to harvest the
19 same amount of fish that they would have harvested had they
20 not had to be separated like that.

21 So we are going to go back and ask the
22 board --Potomac River Fisheries Commission is also on board
23 with this proposal -- and we hope that the management board
24 will see that it is not that more fish will be landed. It is
25 just going to help us be more efficient in our attempt to

1 bring in our quota.

2 So that is what we are looking at for changes for
3 2016, and that is really it. We hope to attain that
4 provision. So in 2017, there is going to be an opportunity
5 for the board -- they are going to begin that discussion at
6 next week's meeting but there is going to be an opportunity
7 for the consideration of an increase to the coastwide quota.

8 An increase in the coastwide quota translates to
9 Maryland as kind of a trickle down from -- you establish a
10 coastwide landings limit, for which Maryland gets 1.37 percent
11 of that landing limit for our bait fishery.

12 And so the point that I know Lynn would want to
13 make, and I certainly would stand behind this position and
14 this point, is that increases in quota don't necessarily lead
15 to a solution for fishermen in Maryland because even an
16 increase in 10 or 15 percent of quota ultimately translates to
17 a few hundred thousand pounds of additional landings to that
18 quota.

19 Which, when we look at landings per week as we are
20 monitoring it through the season, it is only an extra week's
21 time that permit holders would be able to catch another 300,
22 400,000 pounds, and they will be shut down in -- at the end of
23 August instead of the middle of August.

24 So it helps. It certainly helps extend the season
25 under the unregulated landing limits part of the season but it

1 is not a solution. I just want everyone to be understanding
2 of that, that it is not the solution.

3 The solution is something that the board has already
4 begun working on, the solution to Maryland and other bait
5 fisheries along the Atlantic coast is reconsideration of the
6 allocation. Or to look at the allocation in a different way.

7 So we have been working with other states. A small
8 working group of individuals had been put together to discuss
9 allocation to present back to the board for which I know that
10 Lynn was a part of, in these discussions. So what we are
11 looking at proposing to the board over time as Amendment 3
12 develops is a scenario for which we no longer are faced with a
13 statewide landings limit or a quota.

14 It would be more of a -- the allocation would be
15 more in line with bait landings by the states along the coast.
16 And the larger industrial-scale landings for the reduction
17 fleet.

18 And even right now the methods that we are
19 suggesting and we are advocating for are very similar to what
20 we have now for bait landings because every state has a quota.
21 If you add all those quotas up, you have a certain landings
22 limit for bait.

23 However, the board has allowed for additional catch
24 on top of what that quota is. So we manage our quota to 5.674
25 million pounds, and when we achieve that, we allow this

1 bycatch limit to continue for the remainder of the season.

2 And it exceeds that quota, but it is extra and not
3 counted toward the quota, so the way we kind of envision that
4 is that our landings along the coast as far as bait kind of
5 fluctuate around a line for which it has been set as the bait
6 landings limit for all the states. Each one of them has a
7 different proportion of that overall bar.

8 But the bait landings will be sometimes lower than
9 that limit if you don't -- if the states don't catch their
10 quota. It will be sometimes greater than that limit if they
11 do catch the quota.

12 So we are advocating for a method or a management
13 system that allows the bait landings to happen without there
14 being a hard total allowable catch bite for each state.

15 But the bait fishery in general would be allowed to
16 catch its Menhaden throughout the year with the monitoring of
17 that catch over time, and allow for some variation in catch
18 over the course of the number of years as long as it doesn't
19 exceed certain triggers or certain places where managers
20 become uncomfortable with that.

21 What that would allow our fishermen to do would be
22 to fish under regulations that don't limit them to a certain
23 number of fish per vessel per trip, like this bycatch limit
24 that we currently have.

25 So we view that as the solution to our management

1 | problems, having to manage a bait quota. A hard quota that we
2 | are accountable for that we have to pay back if we exceed
3 | that.

4 | And that is only going to happen as a result of
5 | Amendment 3. And Amendment 3 takes into consideration a
6 | number of different things. One of them is allocation.
7 | Another piece of Amendment 3 is the ecological significance of
8 | Menhaden in the estuaries and the ocean, in the ecology, the
9 | significance there of Menhaden.

10 | And the third part of that is the socioeconomic work
11 | that is going to be contracted out by ASMFC so that the
12 | managers, when Amendment 3 is finalized in a couple years,
13 | will have information available to them regarding the
14 | socioeconomic impacts that management decisions will have as
15 | we move down the road and we move further along in the
16 | Amendment 3 process.

17 | So that is -- there is a lot of information in
18 | there. So what we are projecting is that when we sit down
19 | with the board and look at information, look at the health of
20 | the stock, there is an opportunity then in 2017. The board
21 | may decide to increase the quota slightly.

22 | And if the board decides that and it is the
23 | direction that we go in, we will have a slightly higher quota
24 | in 2017, commercial quota. However, it is not the solution
25 | because again we would only be looking at an extra week maybe

1 or a little more depending on the level of increase.

2 What we are really urging people to get involved in
3 is the socioeconomic work that is going to be done, the
4 discussions regarding the ecological significance of Menhaden
5 to the -- you know where I am trying to go with that.

6 And so -- and the allocation work. So what we need
7 are stakeholders to engage in that process. Discuss with us,
8 help us make sure that the solutions we are looking at, the
9 things that we think are solutions, are they really going to
10 help the bait fishery in Maryland?

11 Are the quotas that we establish going to allow for
12 Menhaden to still play that critical role in the ecosystem in
13 the Chesapeake Bay and along the Atlantic coast?

14 And when information is needed by the economists who
15 are going to be looking at the socioeconomic impact, we really
16 need our guys to get engaged in that process so that they can
17 inform those scientists who are looking at those questions to
18 help inform the board that will be making those final
19 decisions in the next few years.

20 So that is kind of the next couple year timeline
21 laid out. You know, I think right now the motion that was
22 passed at the annual meeting was for a public information
23 document, which includes a lot of the alternatives for
24 management, would be available in 2017. That is kind of the
25 timeline that we are looking for.

1 | plotted on that map pound net sites in Maryland, the map is
2 | almost completely red out to about 40 feet of water.

3 | And so managers see that as this great potential
4 | that Maryland has to all of a sudden to expand and blow their
5 | pound net fishery up to the point where those bait harvests
6 | could be astronomically more than what it has been.

7 | Now we are working with our counterparts and with
8 | the board members to get, to help them understand that we
9 | don't believe that will be the case. It is not every day now
10 | that people are investing the money that was required and the
11 | energy to start up an entirely new pound net fishery.

12 | So we may have to -- the answer to your question is
13 | we may have to, at some point, do something more than just
14 | tell them that it won't grow. And that leads to the idea of
15 | limited entry in some way or caps in some way or some
16 | mechanism that commits to that point that it will not grow
17 | beyond what we already currently have as kind of the footprint
18 | of what our harvest has been.

19 | If you look at our harvest over 10 years' time, it
20 | is kind of what the standard footprint of our catch is. But
21 | if we have to do something in the future to allow for these
22 | other allocation scenarios to be considered, that freezes that
23 | footprint. We will have that discussion here and have to come
24 | up -- we may have to come up with a way of limiting that.

25 | Even if we limit it to slow expansion, and not the

1 boom and bust that there is the potential for.

2 MR. RICE: Bill?

3 MR. GOLDSBOROUGH: Just one clarification. I think
4 you indicated that at next week's meeting there might be
5 beginning discussions on quota changes for 2017? And you can
6 access this information on the ASFMC Website if you don't have
7 it but that is actually not on next week's agenda.

8 And if you go under the meeting materials, the next
9 thing past the regular agenda is a more detailed agenda that
10 fleshes out, you know, describes what each item is about. And
11 it will say in there that on that topic, they would be a
12 awaiting Technical Committee projections for what might be
13 available in 2017. They won't be available for the board
14 until the August meeting.

15 So my guess is from reading that, that is when the
16 real discussions about 2017 will take place.

17 MR. LUISI: Thank you for that clarification. I
18 misspoke it. It talks here about the timeline, of
19 establishing the timeline of that information. I just
20 misspoke. Thanks.

21 MS. DEAN: Can I ask one more question? Bill, I
22 don't want to put you on the spot but is there support for
23 this beyond our commercial fishery and the department?

24 MR. GOLDSBOROUGH: You mean the -- having both
25 bycatch allowances on one boat?

1 MS. DEAN: For the bait fishery?

2 MR. GOLDSBOROUGH: I am pretty sure that we are
3 going to get that. I mean, the department did a really good
4 analysis of the first couple years. It showed it shouldn't be
5 a significant difference in catch. The Technical Committee
6 reviewed that and they were okay with that.

7 And to be honest with you, I have talked to a couple
8 of other conservation interests in the last few days to tell
9 them about this just in case because, like always, there is
10 some knee-jerk reactions when you see something and you don't
11 know all the information.

12 And tried to explain all that to them to make sure
13 there wasn't going to be some opposition that came out of left
14 field that we weren't expecting. So I don't see it.

15 MR. RICE: All right, thank you. Mike, I hope you
16 got plenty of steam today because you are up again.

17 MR. LUISI: Yes, it has been a trend this week.

18 ***Estuarine and Marine Fisheries Management Planning Topics***

19 ***ASMFC/MAFMC Update***

20 ***by Mike Luisi, MD DNR Fisheries Service***

21 MR. LUISI: I will be as quick as I can here through
22 some of this stuff. So for the next few minutes I just wanted
23 to give you guys an update on a few of the fisheries that we
24 typically report out on to this body.

25 And in addition to that, I wanted to put it on paper

1 | quickly so you could see some of -- we have the ASMFC meeting
2 | next week, for which there will be a few commercially centric
3 | issues that will come up.

4 | On the first day, the 2nd, American Lobster Board is
5 | going to meet and discuss the beginning stages of developing
6 | some alternatives to deal with what has been assessed as being
7 | a very, very poorly depleted stock of lobster. It is the
8 | southern New England area, which is everything kind of south,
9 | including and south of Long Island and Long Island Sound.
10 | Even up around into Rhode Island and Connecticut.

11 | So everything south of that area has been shown to
12 | be incredibly depleted. Some of the stock assessment
13 | scientists and a few others have been even calling for the
14 | possibility of a moratorium on lobster harvest. And we don't
15 | believe necessarily that, that is the action that is needed.

16 | So we are working with the board closely to try to
17 | understand what it is that we could potentially do here in our
18 | state along with Delaware and Virginia, who have very, very
19 | small lobster fisheries.

20 | I mean, compared to what they have in New England,
21 | we have one or two people in our state. Delaware has one or
22 | two and Virginia has one or two guys who have been able to
23 | harvest some of the lobster in the deep-water areas off shore
24 | near the canyons and made a little bit of extra as part of
25 | that. A lot of it is even bycatch to some of the other

1 fisheries that they are operating in.

2 So we are going to try to figure out a mechanism to
3 try to keep those guys alive throughout whatever we can do,
4 not looking past the fact that the stock is very depleted, and
5 it is likely there will be some actions that will need to be
6 taken.

7 We have already discussed Menhaden. If you are
8 interested in listening to that conversation, you are
9 certainly welcome on the 3rd to come there. Regarding
10 horseshoe crabs, for a couple years now it has been brought to
11 our attention that the reduction in the female horseshoe crab
12 allowance that the board mandated to the states has kind of
13 crippled our horseshoe crab fishing industry.

14 There are a few individuals who have permits who
15 fish for horseshoe crabs out of Ocean City. And over time the
16 inability to have females as part of their catch has lost
17 their markets due to the fact that females are a much better
18 bait source than the male crabs that are being caught.

19 So this -- the allowance or nonallowance of female
20 crab catch and harvest is all the result of an adaptive
21 resources management model that is used, and it incorporates
22 the shorebirds and the red knots and the eggs on the beaches
23 and all the elements of that connection or the linking of
24 those two animals.

25 And so that model is being reviewed this year, and

1 | it is our hope that we are going to be able to get some
2 | options as that model is reviewed and manipulated to
3 | potentially allow for some small allowance of female crab
4 | harvest in our state to help these guys get back some market
5 | that they had to keep them up and running. So we will be
6 | discussing the updates on that on the 3rd.

7 | As far as striped bass goes, for 2016 you shouldn't
8 | expect any changes on the commercial end regarding striped
9 | bass and any types of quota differences in 2016.

10 | We were successful at the annual meeting at getting
11 | the board to agree to conducting another assessment update,
12 | which was only one year after the previous update, which isn't
13 | very typical. Usually there is a two- or three-year period of
14 | time between assessments. But due to the impacts that our
15 | fishermen have felt in Maryland -- both commercial, charter
16 | and recreational anglers -- we advocated to the board to doing
17 | another assessment update in 2016.

18 | And so that did pass the policy board and will be
19 | conducted this summer. The update assessment will provide us
20 | fishing mortality reference points, for which -- or fishing
21 | mortality estimates, which we can compare with the reference
22 | points.

23 | And it may be an opportunity for us again to seek
24 | some relief from the restrictions that we have seen. The
25 | spawning stock biomass at the last assessment was showing

1 signs of being healthier than it was understood at the time
2 when these reductions were put in place.

3 So if those trends continue and we see yet again in
4 another assessment that the spawning stock biomass is
5 healthier than we thought and fishing mortality was not as
6 great as we thought it once was, there may be some movement
7 there from the board to allowing Maryland and maybe other
8 Chesapeake Bay states or even along the whole coast an
9 increase in their quotas commercially to allow for more
10 harvest of striped bass if they feel comfortable in that.

11 We -- you guys may have been hearing that we are
12 talking about potentially moving forward with some
13 recreational changes, some measures recreationally for the
14 charter and private angler fishermen, which are
15 conservationally equivalent to what they had last year.

16 We are working with the Technical Committee. There
17 is a meeting tomorrow to discuss some potential options that
18 we have. Essentially we would be adjusting and going away
19 from a slot limit that we had for the trophy fishery last year
20 to potentially to just a minimum size limit across the board.

21 So they are equivalent in their conservation effort.
22 And so we are going to be talking with the board on that.

23 The last thing I have on commercial issues is the
24 American eel fishery. We have been mentioning this each and
25 every time we have been getting together about the concern

1 considered a migratory animal because I know clamming out in
2 the spring, I will see them before I see the hard crabs. You
3 know, they are here. And then, you know, we have them all
4 summer and then they go off, and then I see them as they go
5 off in the deep in the fall.

6 So, you know, I don't know whether we could separate
7 a bay fishery between and, you know, the ocean fishery where
8 all the birds are. But here, you know, in our waters, we have
9 them and I don't know that we have the birds. I don't think
10 it is the environmental thing that the ocean is.

11 So I didn't know whether somewhere along the line we
12 could look at them as two separate things.

13 MR. LUISI: Well, they are two separate things.

14 MR. GILMER: Okay.

15 MR. LUISI: So the crabs that occupy and live and
16 are around the Delaware Bay, they do an east-west migration
17 each year but they don't travel very far north and south. So
18 those crabs are -- there is a large protection area out there.
19 It is kind of the focus point on horseshoe crab management
20 protections.

21 And as you move further south along the coast,
22 Maryland -- some of those crabs are mixed in with the
23 Maryland. We are just in the middle between the two bays,
24 Delaware and Chesapeake, so we get a blend of the two.

25 One of our arguments for female harvest is that we

1 are fishing on a blend. We are not fishing on the focus
2 point.

3 Now regarding the Chesapeake Bay, there is not a ton
4 of work that has been done to try to differentiate the bay
5 crab completely as a completely sub -- like a subgroup or
6 subpopulation. But I think it is somewhat clear in what I
7 know that they do not migrate to the point where -- crabs in
8 our bay are moving out and around and moving up to Delaware
9 Bay.

10 So we do have a limited harvest of crabs. No
11 females at this time. And I think a lot of the restrictions
12 on the current commercial harvest in the Chesapeake Bay is
13 based on just our lack of understanding of the population's
14 size, the structure, the health.

15 And so we allow for some to be taken but we just
16 don't know enough to be able to assess it as its own group
17 and then manage it in any other way. So that is kind of where
18 we are with that. And whether or not we prioritize that and
19 make that something that we really want to seek out in the
20 future, we have to have that discussion.

21 MR. JEFFRIES: When will you know on the Technical
22 Committee on those options? Will we have them in hand before
23 February 4th to the Atlantic Marine Fisheries meeting, on the
24 striped bass?

25 MR. LUISI: The Technical Committee is meeting

1 | tomorrow.

2 | MR. JEFFRIES: So you will know probably by the end
3 | of the week or the first part of next week?

4 | MR. LUISI: Yes, we will have their report. We will
5 | know what they are going to say --

6 | MR. JEFFRIES: What they approved and what they
7 | didn't approve.

8 | MR. LUISI: Yes, and whether they approved that
9 | captain's choice option. That is really the only one that I
10 | would think that has some -- may not be approved.

11 | MR. JEFFRIES: You will let us know?

12 | MR. LUISI: Yes, you will know. You can call me as
13 | soon -- give me to Monday. Let me have the weekend and then
14 | give me a call on Monday.

15 | MR. JEFFRIES: I don't like calling you. You are
16 | always depressed.

17 | MR. LUISI: Really quick on the mid-Atlantic
18 | council, I wanted you to be aware of the fact that we are
19 | seeking qualified candidates for an at-large seat to represent
20 | Maryland on the Mid-Atlantic Fisheries Management Council.

21 | The council is the advisory body to the National
22 | Marine Fisheries Service on federal waters management issues.
23 | The seat is currently held by Steve Linhard, whom some of you
24 | may know. Steve has served two terms with the council. They
25 | are three-year terms. However, he just told us the other day

1 he will not be seeking a third term with the council.

2 So the seat will become vacated in August. We are
3 looking for qualified candidates with fisheries experience.
4 They would need to be knowledgeable regarding conservation and
5 management, the fish in the mid-Atlantic region. So anyone
6 you know, anyone interested can contact me or Angel Willie if
7 you want to learn more about what getting involved would mean
8 as far as the time investment. I am certainly happy to talk
9 to you about that.

10 I have served on the council now probably for six or
11 seven years. So I can give you a good idea about what you
12 would be looking at as far as getting involved in that.

13 ***Yellow Perch Pilot Program***

14 MR. LUISI: All right, next slide?

15 (Slide)

16 MR. LUISI: Two quick updates: Yellow Perch Pilot
17 Program. We got the Yellow Perch Pilot Program kicked off.
18 So we have about 60-ish people who have declared. I meant to
19 find that information out before coming down here.

20 However, as you remember, we were letting people use
21 box tags instead of individual tags if they signed up to use
22 our electronic reporting system. We had 15 people who are
23 already trained. 5 are pending to be trained, so 20 people
24 out of 60 are already in the system and they are using the box
25 tags through the pilot program.

1 involved with regarding the common pool, the ITQ.

2 And we had this year, which was different from other
3 years, we had undeclared individuals. We had 50 -- what is
4 that, 57? Yes, 57 individuals who originally were undeclared
5 in the fishery. And if you remember back to last I guess it
6 was April and May when we were deciding whether or not to
7 allow those individuals in late, we ultimately did, and we had
8 24 of those people declare their intent late.

9 It is important to understand that because in 2015,
10 those 24 people who entered in late to the fishery contributed
11 21,470 additional pounds that we had to give out after we
12 already allocated our overall fishery quota for 2015. So
13 while the quota for 2015 was 1,471,000 pounds, we allocated in
14 2015 1,493,000 pounds plus a little bit more.

15 It becomes important in the discussion that you have
16 in just a second regarding overallocation of the resource.
17 But I just wanted to make sure to point that out.

18 So we overallocated by 1.45 percent. We gave out
19 that much more than we had.

20 One thing I noticed that was -- the active
21 harvesters in the bay, so anyone who had actively harvested at
22 least one fish in the bay. Of all the quota those active
23 harvesters had, they caught up to 6,840 pounds of all that
24 quota. So they only let -- so of the active harvesters, .5
25 percent of the total quota kind of stayed on their cards and

1 they weren't able to catch it.

2 The other quota that was not caught was a result of
3 people who were completely latent in effort and just decided
4 for whatever reason not to fish or not to transfer any of
5 their quota. But we did see a drop in the overall latent
6 effort in 2015 from 2014.

7 (Slide)

8 Here are few tables regarding catch. They are all a
9 comparison of 2014, which was the first year of the ITQ, with
10 2015's ITQ. You can see on the top table, in 2015, the
11 remaining quota that was left not caught was only 1.8 percent
12 of the total quota. 26,000 pounds plus a little bit more was
13 what was left.

14 In comparison to last year, which we had over
15 100,000 pounds left uncaught. The breakdown between gears was
16 similar. There were a few more fish caught by pound net this
17 year. And a little less by gill net. Hook and line was about
18 the same.

19 And you can see on the third table the difference
20 between '14 and '15, the number of latent individuals, again
21 those people who did not fish and chose not to transfer,
22 dropped from 113 individuals carrying about 62,000 pounds of
23 quota to 89 individuals carrying with them 46,000 pounds of
24 quota.

25 And now I just want to really quickly point out, if

1 | you look at the top of the table. I was telling you there is
2 | 26,000 pounds of quota left. But the latent people in 2015
3 | had 46,000 pounds of it to themselves. Well, the reason why
4 | the total at the top was less than what the latent people held
5 | was because we over allocated by a few percent, and there were
6 | more fish allocated initially than there were available.

7 | It becomes important in the discussion we will have
8 | in just a second.

9 | (Slide)

10 | Regarding 2016, moving into 2016, there were two new
11 | regulations. One of them mandated that every permit holder
12 | needed to declare their intent or they would lose their permit
13 | and their eligibility in the fishery. The other regulation
14 | was that shares of the fishery and permits could be
15 | transferred permanently back and forth from individuals.

16 | So overall we had 10 individuals who did not declare
17 | their intent. Those individuals, between the 10 of them, held
18 | .33 percent of the overall fishery quota. So what we did with
19 | that extra quota that did not get declared, and this was based
20 | on a recommendation from the Striped Bass Workgroup, we
21 | distributed that equally to all the permit holders in the
22 | fishery.

23 | So everybody got like four extra pounds this year as
24 | it broke out to all the different people in the fishery. That
25 | small percentage just got distributed. And those 10

1 individuals are now out. They are no longer eligible to the
2 fishery. For whatever reason they decided not to declare,
3 their permits have expired and they are done.

4 There are others who sold their permits and shares.
5 We had 112 transactions of permit transfers, permanent
6 transfers of shares and permits, which equated to a little
7 over 100,000 pounds of quota kind of changing hands
8 permanently.

9 And so all of this together, the fact that
10 people -- they no longer are eligible and that people were
11 able to sell, we have seen a reduction and kind of a small
12 consolidation of the fishery down from 1,040 people. We have
13 lost about 45 people in all of this. So we are down now just
14 slightly below 1,000 people left in the fishery.

15 And this also means that while there were some
16 consolidations, these available permits are now -- these extra
17 permits that were expired are now available to wait-listed
18 candidates who have applied, some of them as long as probably
19 15 or 20 years ago. They are on this wait list to get a
20 permit.

21 But through the process of discussing it with this
22 Tidal Fish Commission and the workgroup, it was determined
23 that those permits would be given out to wait-list candidates
24 with no quota on them. The quota would need to be obtained by
25 them either permanently or temporarily so that they could

1 18-inch fish while the recreational anglers need to catch
2 20-inch fish, and they also have a commercial permit with
3 quota that allows them to take more than 1 or 2 fish per
4 person.

5 So this issue was brought before this commission.
6 We brought it to the workgroup and in a second I will give you
7 the feedback that the workgroup was providing on that. The
8 second point that was asked to be discussed had to do with
9 maximizing commercial harvest.

10 So if you think back to the table a minute ago, in
11 2014 there was over 100,000 pounds of quota that was left on
12 the table that hadn't been caught by the commercial
13 harvesters. There was a consideration of whether or not we
14 should overallocate the resource.

15 That overallocation decision kind of got made
16 without the decision on overallocating. We agreed that it
17 would be okay to let those additional people in, which
18 essentially overallocated the resource in 2015, which led to
19 us getting closer to the total harvest, harvestable amount of
20 fish in 2015.

21 So that has all kind of developed since the last
22 time we spoke, and I will just touch on these very quickly
23 again.

24 So regarding the harvest, maximizing the harvest, we
25 got really close last year. We went 1.45 percent over as a

1 result of those people coming on board late. The workgroup,
2 when they discussed this, recommended a 2 1/2 percent overage.

3 However, when we sat down to take a look at this,
4 not only were we happy with the projection that we were going
5 to be close to the target, but the reduced amount of latent
6 effort in the fishery, going from 113 people down to 89, we
7 see that as a small yet significant trend of more and more
8 people engaging in the fishery.

9 So we did not feel comfortable, when establishing
10 the 2016 fishery, in going with a 2.5 percent overallocation,
11 and what we ended up doing was just a 1.5 percent, which is
12 slightly over what was last year's overallocation. But we
13 would like to look at that and give it a couple more years to
14 develop, to see if we see any flattening out of the trends
15 that we are seeing.

16 And if not, if more and more people who are latent
17 are engaging in transferring or they are fishing more, we are
18 going to end up catching that quota. So, you know, that is
19 kind of where we ended up with that issue.

20 This issue, I think we still need further
21 discussion. We can talk about the maximizing quota issue as
22 well but this is what we presented to the workgroup. There is
23 a regulation that prohibits paid party charters from fishing
24 under commercial regulations. And so we brought it to the
25 workgroup, and the response from the workgroup during that

1 meeting was that this is an enforcement issue. Having a
2 person running a charter boat while fishing under commercial
3 regulations should be something that enforcement engages in.

4 And that the department stays out of it at this
5 time. Some of the suggestions on this was to limit -- and you
6 might remember this from the discussion at the last time we
7 talked about this -- but one of the ways of maybe assisting
8 with this issue would be to limit the number of people aboard
9 a commercial vessel.

10 If you were to limit them to only a couple mates,
11 let's say, or two permit holders or four permit holders with
12 no additional people on board, limiting the crew on a hook-
13 and-line boat could play a role in reducing the incentive for
14 a charter captain to bring aboard six or more people to go out
15 and fish commercially.

16 Because currently there is no limit on the number of
17 people on the hook-and-line commercial vessel. You can take
18 as many people as you would like to harvest your quota.

19 That was one of the things that was discussed at
20 that workgroup meeting, but ultimately at the end of the
21 discussion it was decided that -- the advice that we got was
22 this should be an enforcement issue and we should put our
23 energies into working with the enforcement on finding these
24 people and ticketing them and getting them out of the fishery.

25 So I will throw that back at you guys, given the

1 feedback from the workgroup, and, you know, seek some advice
2 as to how we potentially could move forward. And I can answer
3 any questions that you might have.

4 *Questions and Answers*

5 MR. MANLEY: Wasn't it one time, when this first
6 came about, from my understanding -- I mean, I was coming to
7 the meetings too -- that we were only allowed four people on
8 the boat during commercial hook and lining?

9 MR. LUISI: Yes.

10 MR. MANLEY: The captain, you had two crew and an
11 extra man because we said, you know, no matter what you did
12 with a pound net or a gill net, the most you ever had was four
13 people on the boat, and it was a commercial fishery.

14 And that is what we were trying to get back, back
15 then. Don't let a fishing party, or a captain take out a
16 fishing party, and go commercial hook-and-lining. That
17 was -- from the get-go, that was a concern, and that is why it
18 was done then. Isn't that right, Ken?

19 MR. JEFFRIES: Yes, it was.

20 MR. MANLEY: Yes, indeed.

21 MR. LUISI: So there was a provision. It was in
22 place for a long time that you could only have as many as --
23 you could only have two additional people with every one
24 permit. So every permit you had, you could have up to two
25 additional people until you hit a limit of four people aboard

1 the vessel.

2 And there were other reasons -- there were other
3 reasons why that was in place. One of them was because we
4 were operating in a derby fishery. And so other
5 hook-and-liners didn't want to be disadvantaged if a boat was
6 out there trying -- it was whoever could get it first.

7 If you filled your boat with people to get
8 those -- to get that daily landing limit, and others couldn't
9 do that, it was kind of a disadvantage. Another reason was
10 because we were having a lot of trouble, which was -- I will
11 leave it at that.

12 We were having a lot of trouble with hook-and-liners
13 going to pound nets and taking pound net fish aboard their
14 vessel, for all the permit holders that were on that vessel.
15 If it was a 400-pound limit, and you had two guys, they would
16 go to pound net, put 800 pounds in the boat, and go home.

17 And one of the reasons why there was a limit to the
18 number of people was to limit that -- was to keep the cookie
19 jar from being too wide open, to keep the hand from going down
20 into the pound net. So those are two other reasons other than
21 the charter boat reason.

22 And so when we moved away from the derby fishery,
23 and we went to the ITQ fishery, and every individual now has
24 an individual quota to catch, one of the flexibilities that
25 was discussed during that whole process was the allowance of

1 hook-and-liners to catch their quota in the most effective and
2 efficient way that they could, given that they only have a
3 certain amount and they are not competing with others anymore.

4 And if they wanted to go catch them out of a -- go
5 on a pound net boat, they could go do that if they chose to.
6 But if they chose to hook and line, they could use as many
7 people as they could to catch those fish that are on their
8 card.

9 And so when the ITQ fishery was implemented, we did
10 away with that rule. But with doing away with that rule, you
11 guys are on the water. You guys can see what is happening out
12 there. If this issue is the response to doing away with that
13 rule, then we should discuss whether or not we need to put
14 that rule back in place.

15 Whether or not we limit the crew aboard a hook-and-
16 line vessel.

17 MR. MANLEY: Your charter boat captains called up
18 and raised the devil. A party, a company, went out with a
19 guy, and he caught like 80 fish, he let him catch. And they
20 weren't little fish. Like you were talking about 18-inch
21 fish. These were big fish. These were nice fish.

22 And it was six of them. And he told him, now, you
23 take the 12 biggest fish you want and I will keep the rest of
24 them because I have got a commercial card.

25 A couple days later he went down to Kent Island on

1 another captain's boat, and they said, captain, how many fish
2 can we catch a day? He said, two per person. That is what
3 you are allowed. What the hell kind of rip-off is this? He
4 said, we went up and we caught a boatload of fish the other
5 day with another captain.

6 And this is what you guys are getting into opening
7 these doors up. That is why I said, when it started out with
8 the gill netting, we were allowed four licenses, four people.
9 And then when the commercial started, the commercial hook and
10 line, we said, let's do it the same way. And that is it
11 started with four people.

12 You can shake your head no but that is what it was.
13 I am telling you, I was in here in the early '90s when you did
14 it. You know, Ken.

15 MR. JEFFRIES: I am the one who brought the
16 complaint forward. Originally --

17 MR. MANLEY: That is the door that opened up, you
18 know. And we don't want that.

19 MS. DEAN: But I think we need to, at this point,
20 recognize the differences in those fisheries and this fishery.

21 MR. MANLEY: Those fisheries.

22 MS. DEAN: Yes. The fishery was run a lot
23 differently then. That was a derby style.

24 MR. MANLEY: This just happened last year.

25 MS. DEAN: No, that restricted the number of people

1 | who were on the vessel. We are operating under a different
2 | system now. The quota that is given --

3 | MR. MANLEY: Last year is a different fishery?

4 | MS. DEAN: I think, Richard, you have to remember
5 | why we changed it. Now if there is an issue and somebody is
6 | doing wrong, it needs to be addressed. But I don't think that
7 | going through a process where you would restrict somebody who
8 | is commercial fishing because somebody else is doing something
9 | that is clearly illegal would be of benefit to anybody.

10 | MR. MANLEY: He wasn't illegal if you want to figure
11 | it that way. If he can catch whatever he wants.

12 | MS. DEAN: Well, no, he is illegal. He is illegal.

13 | MR. MANLEY: Why? You were just talking about how
14 | many people you got on a boat. You can catch them.

15 | MR. LUISI: Well, let me say just a couple things,
16 | and then I think it would be best to let the commission handle
17 | it.

18 | If you go back -- well, he is illegal if he charged
19 | those people who went out with him. So if he charged them to
20 | take them fishing, and he let them take all the extra fish
21 | under his permit, I have got a lot of concerns about that
22 | because those fish never made it to a check station at all.

23 | MR. MANLEY: Yes, they did.

24 | MR. LUISI: The 12 that those people took, they
25 | never --

1 MR. MANLEY: No, not the 12. They wouldn't have
2 anyway if they were on a fishing party.

3 MR. LUISI: Right, but that is caught under
4 recreational rules and limits. So there is an issue with
5 that. So there are two solutions that have been suggested.
6 One is to limit the crew. The other one is to make the size
7 limit the same for the commercial and recreational fishermen
8 to reduce the incentive.

9 Those are two ideas that were thrown around.
10 Another thing -- so if you didn't, if you weren't able to
11 catch 18-inch fish. If you are a commercial fisherman and can
12 catch 18-inch fish, and you take a paid party out with you,
13 you can harvest those small fish, and there is an opportunity
14 to take more of them, if you can harvest those, than the 20
15 inches.

16 So those were two things that were brought to our
17 attention. We looked into this a little bit, and what
18 Virginia does is they have a mechanism where their commercial
19 hook-and-liners, they have up to 15 people they can register
20 to serve on their vessels commercially.

21 So you get 15 people whom you think you might need
22 to help you harvest your quota. They register through the DNR
23 system. And then if an officer comes aboard your boat while
24 you are fishing commercially and have a commercial limit, if
25 those people with you aren't registered with you through

1 | Compass, you are then in violation.

2 | So that is one thing that Virginia has done. I will
3 | leave it all out there for the discussion. We would like to
4 | get some advice right now whether we continue to look at rule
5 | changes or should we work through the enforcement end, which
6 | was the recommendation from the workgroup. You know, where
7 | should we go with this? We are getting conflicting opinions,
8 | and it would be good to hear back from the commission.

9 | MR. RICE: All right. Well, we will start that
10 | discussion with Ken.

11 | MR. JEFFRIES: Well, the workgroup, you have got to
12 | remember, is all watermen basically so how are they going to
13 | vote? I am on it, and I can tell you the vote was 12 to 2.
14 | So there is one of the problems.

15 | And I don't have a problem with -- I hate to see
16 | everyone saying it only happened in the northern part of the
17 | bay since I am the one who brought the complaint forward.
18 | When we took our boats down to Point Lookout this year, it
19 | happened down there, and guys came to us down there saying the
20 | same thing.

21 | So it is not just a northern bay issue. Part of
22 | that is a six-pack boat is a six-pack boat for a reason. It
23 | has no safety gear on it other than life jackets for each
24 | person. How can that boat, that charter boat, on a Monday, be
25 | able to take a charter out and only take six people out and

1 | then the next day, on a hook-and-line day, have 11 or 12
2 | people on there?

3 | The federal government says it is wrong. Why is the
4 | state saying it is okay? That is another way to look at it.

5 | MR. LUISI: Well, I would say, just to that point, I
6 | am not saying -- if there is a capacity limit to where that
7 | boat can handle, that is up to the fisherman. If they want to
8 | pile 12 people on a boat that can handle three, we
9 | can't -- that is not anything I can do about. Fisheries isn't
10 | going to get involved in that.

11 | MR. JEFFRIES: I am just saying, there are more
12 | issues than just the conflict between charter and commercial.
13 | There are other issues in the thing, and like I said, it was
14 | in one area of the bay this year when I brought the complaint
15 | forward. But then after fishing down at Point Lookout all
16 | fall, the same issue came up down there.

17 | Totally different person, and I am glad Richard
18 | knows who the person is so I don't feel like I am the only one
19 | sitting in the room who knows what we are talking about. But
20 | I am up for discussion. I just think -- there is a number. I
21 | don't know what that number is. The boat we are complaining
22 | about had upwards of 10/11 people on it.

23 | That is a little too much to me when they are
24 | fishing in small, consolidated schools like they have the past
25 | 2 or 3 years, you can't allow a boat to sit there for 12 to 14

1 | hours with an unlimited amount of people beating fish with
2 | baseball bats and taking a charter out and doing it
3 | commercially at the same time.

4 | And it is not our responsibility to call the
5 | enforcement. We are hired to be catching our customers' fish.
6 | We don't have time to sit there for 2 or 3 hours to wait for
7 | someone to respond. It is not that it is going to take that
8 | long but that is not our responsibility.

9 | There is no way for a police officer to
10 | differentiate now between commercial, hook-and-line or a
11 | charter boat anymore because it is one stupid little flag, and
12 | that is it. It is impossible to think a police officer could
13 | even -- he would have to check every boat every day to know
14 | what is going on, and that is impossible.

15 | MR. RICE: Rachel?

16 | MS. DEAN: Aubrey had her hand up first.

17 | MS. VINCENT: I was just going to ask about the
18 | meeting that you went to. You said that it was made up mostly
19 | of people who were commercial.

20 | MR. JEFFRIES: The workgroup is all commercial.

21 | MS. VINCENT: Yes. Were there any suggestions that
22 | came out of that meeting? You guys were getting ready to
23 | vote?

24 | MR. JEFFRIES: Johnnie Moto, I couldn't believe it,
25 | in the meeting, if anybody has got the minutes, actually

1 recommended six people would be plenty for him to do it. And
2 then Rachel got into him.

3 MR. LUISI: Aubrey, the workgroup ultimately after
4 the discussion ended up with a recommendation from the
5 workgroup to bring back to this commission to allow this issue
6 to be dealt with as an enforcement issue.

7 And have fisheries service work with NRP on
8 addressing this. And some of the ideas were to make sure we
9 could send a letter to permit holders and make they are aware
10 of the fact that you can't do this. You can't run a charter
11 and operate commercially.

12 MS. VINCENT: An oh-by-the-way letter.

13 MR. LUISI: An information-type of thing and try to
14 advance the knowledge that this is illegal to do, and whether
15 that does anything, you know --

16 MS. VINCENT: I didn't know if the ball had been
17 bounced back or if there were some more ideas that maybe I
18 missed before the ball bounced back.

19 MR. LUISI: The ball is back. The ball has been
20 bounced back.

21 MS. SINDORF: Well, is that the Virginia strategy?
22 Is that not a good idea?

23 MR. LUISI: The Virginia strategy was something that
24 came up after the workgroup met. It is new information that
25 they did not debate.

1 MS. SINDORF: Is that not a good idea?

2 MS. DEAN: Can I say I don't want to comment on
3 that? I haven't even had time to think about that but I kind
4 of would like to have a few minutes. We are here again, and I
5 understood this was an issue that was going to be coming up
6 again. We have seen it before, this commission, and asked
7 that it be bounced back to the Striped Bass Workgroup.

8 We did discuss it. There was some question about
9 could we put a number on it. And ultimately we kind of had to
10 go back and think about, well, how did we get to where we
11 were? And one of the comments or one of the thoughts is that,
12 you know, we are now under this ITQ system. A man's fish is
13 assigned to him. It is his pounds to fish as he will.

14 The hook-and-line fishery is probably the least
15 efficient when it comes down to it. And that is probably
16 evident by the small number of people who are in the fishery.
17 We are only talking about 11 percent, I think it was, in 2015.
18 So a lot of the allocations, when it was originally divvied
19 up, the majority of it went to traditional pound net or gill
20 net fishermen.

21 So the hook-and-line fishermen had kind of a smaller
22 percentage. Now we can go and we can fish it however we want
23 in whichever fishery. But because smaller portions were
24 allocated to us in that hook-and-line fishery, the thought was
25 that we could pool our resources. So essentially if we are

1 fishing in the summer months, hook and lining, then we could
2 put more than one license on the boat.

3 Logically speaking, one rod, one man. So more than
4 one man, we can go out there, we can fish, we can catch our
5 fish. We can get the heck out of the charter boats' way
6 because we are not there essentially for the fun of it, the
7 enjoyment of it, although of course we enjoy it.

8 We are there to make our money, catch out pounds and
9 essentially go home. So by pooling our resources together and
10 having more than one person, more than one license holder and
11 essentially also help on the boat, we could get it done
12 faster.

13 So that is kind of why we want to hold onto this
14 idea that we can do that. The other kind of concern would be,
15 you know, if we go limiting or designating people, then that
16 would limit the number of license holders that you could take
17 with you because essentially license holders bring their own
18 people. They really do.

19 If it is another charter boat captain he is going to
20 bring his mate. He might bring his wife. I can tell you now,
21 and I shared this at the Striped Bass Workgroup, most people,
22 when we are out there, know my crew. It is my husband, it is
23 my mom, it is my brother. And I kind of have that crew
24 already established too.

25 But there are times when there is somebody else on

1 | our boat. Now because someone else is not operating legally,
2 | I don't think is a rational reason to restrict somebody else.

3 | And some of the things that I have heard thrown
4 | out -- you know, well, a flag doesn't really show NRP who is
5 | who. Well, a charter boat sticker? We know there are illegal
6 | charters being run, and that is even smaller.

7 | You know, as far as we need to limit the number of
8 | crew, we only fish four days a week. A charter boat fishes
9 | seven days a week. A pound net fishes seven days a week. We
10 | are there four days a week. Again, we want to get them; we
11 | want to get out of there. That flag is up.

12 | If NRP, you know, can't see that flag, then I don't
13 | know what else we can do. Like I said, I think we might need
14 | to make the charter boat sticker a little bigger too. We are
15 | not constantly beating down the charter boats' door. I guess
16 | if I wanted to turn this, and I don't ever want it to come to
17 | this, I would say then I think we need to limit the number of
18 | passengers that you can keep.

19 | And it shouldn't be restricted by your COI. It
20 | should be restricted by what is fair for all across the board.
21 | Same things with the times that you can fish and things like
22 | that. So it is really something that I think if we go
23 | restricting the number of people, we are essentially going to
24 | kill the hook-and-line fishery.

25 | And I am here to tell you, I think that is what is

1 going on. I think that is what the real root of this problem
2 is because a lot of the accusations that we are hearing, you
3 know, some of the stories aren't adding up. We don't have NRP
4 involved although NRP sat in our -- I am sorry. I don't think
5 you were here at the last tidal fish meeting -- and said,
6 sorry, this is the first we are hearing of it.

7 Or, you know, we weren't called in time. So again
8 Striped Bass Workgroup is kicking it back to us and saying, if
9 this is an enforcement issue, let's handle it as that. Let's
10 not restrict a fishery that is really already restricted.

11 Can I also pass the letter that I sent to the
12 department? I guess I can do that too? And then you guys can
13 just read that at your convenience too.

14 MR. RICE: So let me bounce this back to Dave. Do
15 you all expect some action from this group today or just some
16 discussion?

17 MR. BLAZER: I like action but considering the
18 timing of this, that we meet again in April, I think there
19 would be time -- well, if you are looking at a regulatory
20 change, it is not going to happen very quickly. So if you
21 want to start a regulatory change, it needs to happen today.

22 MR. LUISI: If we wait until April --

23 MR. BLAZER: If we wait until April, it won't be in
24 effect --

25 MR. LUISI: It will be the middle of the summer.

1 MR. JEFFRIES: I mean, just the fact that it was
2 brought forward might eliminate some of it. I mean the
3 pressure that has been put on the two or three people whom I
4 know have done it. I don't think --

5 MR. LUISI: The other option would be to get a
6 recommendation to not do anything at this time; however, let's
7 re-evaluate it at another time. If this still is a problem
8 leading into the future, then maybe we should get involved at
9 that point.

10 MR. RICE: My question is how much teeth is involved
11 in the penalty if a person is caught in a violation?

12 MR. LUISI: I don't know.

13 MS. VINCENT: Would that be a good first step? Once
14 we analyze that, maybe take it from that direction and then
15 make sure that it is well-known. And if that doesn't solve
16 the problem, then go back to some of these more serious --

17 MR. JEFFRIES: I can tell you two of the people, and
18 I am sure you can confirm it, they have been talked to since
19 we brought it forward, and I know one of them is not going to
20 do it again because it was a lot of pressure put on him.

21 MR. RICE: Well, the reason I asked that question,
22 and you spoke of mailing a letter to the permit holders, if I
23 were a legitimate commercial hook-and-line fisherman, and I
24 got a letter that said if I am caught carrying people for
25 hire, and they are contributing to my hook-and-line catch, I

1 stand to lose my permit and my license, then I darn sure would
2 clean my act up.

3 But if I can get a letter saying I am going to get
4 fined \$55, you know, that is a little bit of a different
5 story. Rachel?

6 MS. DEAN: I just wanted to add that I don't even
7 have a charter boat sticker on my commercial hook-and-line
8 boat so you would literally be restricting me based on
9 something I can't even do.

10 MR. RICE: So at this time I would just like to
11 suggest to the committee that we have had a discussion on this
12 matter. We realize it has had some problems in the past. And
13 that it is something that we will keep an eye on.

14 If we consider it to continue to be a problem, we
15 will commit to take some type of action.

16 MR. BLAZER: And we will follow up on some of Mike's
17 suggestions about sending a letter out to re-emphasize and
18 work with NRP and look at the penalty structure. And then we
19 will revisit this next year.

20 MR. RICE: I think probably a good remedy to the
21 problem would be somebody gets a ticket. And it sticks. That
22 gets over the radio about as quick as anything.

23 MR. JEFFRIES: It is a small percentage of people
24 doing it but it like going to an ATM machine that gives you
25 \$20 extra every time you go to it. You are going to go back

1 to that same damn machine every time.

2 MR. RICE: All right, if we have a consensus on
3 that, then we will be ready to move forward then. And we
4 appreciate everybody's input because everybody has made good
5 points. But one thing we don't want to do is restrict a
6 legitimate fishing operation because somebody is breaking the
7 law.

8 MR. JEFFRIES: Believe me, I brought it forward and
9 it affects me because I do hook and line but it was an issue
10 brought forward to and was voted on so I brought it forward.

11 MR. VINCENT: It is not fair to that guy either
12 because it makes him look like he is trying to cheat people
13 and all he is doing is trying do the right thing. I mean,
14 that is the last person you want to shortchange.

15 MR. JEFFRIES: That is how it all started.

16 MR. MANLEY: The guy was taking a legitimate party,
17 and the customer chewed him out because he wouldn't let him
18 catch more fish like he did before.

19 MR. RICE: All right, well we are going to move into
20 the oyster county committees. Who is taking Lynn's place?

21 MR. LUISI: I don't do oysters.

22 ***Oyster County Committees***

23 ***by Chris Judy, MD DNR Fisheries Service***

24 MR. JUDY: My name is Chris Judy, the shellfish
25 division director. I am here for Lynn Fegley to report on the

1 oyster committees. And it says in your agenda, briefing.
2 This will be brief. Two minutes could wrap it up. If you
3 have questions, we could go to five. But for the chairman, I
4 don't think I need my whole ten.

5 MR. RICE: Now that is fantastic.

6 MR. JUDY: Hold me to it. So you have before you
7 the meeting schedule. We are having oyster committee meetings
8 coming up next week and the week after, and you can see the
9 different counties and the different locations, so those
10 meetings are coming up soon.

11 And I think one of your questions prior to meeting
12 was what do the counties do? What is their charge? And in
13 brief, the counties are to confer with the department on
14 matters concerning oyster propagation, oyster production. So
15 for example, seed plantings, shell plantings, other types of
16 efforts to help the fishery.

17 So we work together, the departments and the
18 committees on these types of projects. We also discuss local
19 issues that might come up and might affect the industry.
20 Sometimes there is a sewage treatment plant pipeline that is
21 projected to be installed. We discuss this with the
22 committees. They can contact MDE and provide input.

23 Maybe there is a big pier project that might project
24 into an oyster bar, et cetera, et cetera. So we discuss these
25 types of local concerns.

1 On the meetings coming up on the schedule that you
2 have, the basic agenda, the draft agenda -- we haven't locked
3 it down yet -- but we are going to talk about seed production,
4 hatchery seed are going to be produced like last year, planted
5 in the different county waters. So we will talk about amounts
6 of seed, where the seed can be planted. And just sketch out
7 that program and make some decisions.

8 We will brief the committees on the Man-O-War Shoals
9 shell dredging permit and process. They will get an update.
10 Of course it will be after the Man-O-War Shoals hearings that
11 are coming up. We will discuss the budget, and each county
12 has a certain amount of the budget that is allocated.

13 And we will discuss the five-year report that is
14 coming up this July regarding sanctuaries, aquaculture and the
15 public fishery. So we give them a pretty good rundown of what
16 is going on and we discuss their local plantings.

17 A quick comment on elections: We did just hold
18 elections. We held them by mail. In prior years we had voted
19 in person, and the problem with that was we might have zero
20 people show up, one person, two, maybe a handful at the
21 different counties.

22 So we switched to voting by mail. We have a much
23 better response. And we have new members who are going to be
24 on these committees, and some of the old members are coming
25 back for a repeat. We don't have the final membership list

1 yet because at the committee meetings, there might be some
2 shuffling. Somebody might say, well, I changed my mind. I
3 opt not to serve, et cetera.

4 So we will have the final committee list. It will
5 be posted online. It can be made available to all you folks.
6 So that is the quick rundown on the committees. Any
7 questions?

8 MR. RICE: I don't have a question but I just want
9 to say I have been on the committee for 43 years.

10 MR. JUDY: Congratulations. We are going to bring a
11 plaque for you. And I have worked with you about 30, so it
12 has been a pleasure. Thank you all.

13 MR. RICE: All right. Appreciate it, and we look
14 forward to working with you, Chris. Gina, you get your
15 opportunity now to come up and tell us about the beneficiary
16 transfer and the wait list.

17 ***Beneficiary Transfer of a Wait-List Position***

18 ***by Gina Hunt, MD DNR Fisheries Service***

19 MS. HUNT: I don't believe there is anything in your
20 packet for this so I am just going to explain it.

21 This was an issue that came to our licensing unit
22 from the family -- actually I believe the mother of a deceased
23 waterman. First, let me preface this with, you know, we have
24 transfers for licenses. When you fill out your license
25 application and it asks you if there is a beneficiary you want

1 for your license.

2 So it is right there on your license form. That is
3 actually entered into Compass. So we know upon your passing,
4 this is where the license should go whether you have a will or
5 not. Okay? So it is very clear for a licensee, and that is
6 provided in statute.

7 For a wait list, for a guy who walks in and says,
8 for example, I want a CB6. Maybe he sits there for a while
9 waiting for the CB6 to come available. There is no transfer
10 of wait-list spots. We don't provide for, whether you are
11 alive or dead, that you can have, you can transfer your spot
12 to somebody else on that wait list.

13 So now as it turned out, in this one case, this
14 waterman who already had a license, so he did have a
15 beneficiary form in regard to his license, he passed away, and
16 as timing would be, DNR was not notified that he had passed
17 yet, and when a wait-list spot becomes available, it is
18 automatically released either in a text message or if you
19 don't respond to the text message, in a letter.

20 So the house, the family of this waterman, received
21 this letter saying, congratulations, you came off the wait
22 list.

23 So the problem is, is that he obviously can't claim
24 it. The estate can't claim it. And the family would like
25 either the state to get it or for it to be available for

1 transfer. But again there is no transfers of wait-list spots.
2 So basically we said, you know, this is something that we just
3 literally have not come across before. This is unusual.

4 And if it had happened where he wasn't an existing
5 waterman, he would have no paperwork that ever said that there
6 was a beneficiary that he wanted.

7 So keep in mind, the issue is in this case, a guy
8 who actually was a licensee did have a beneficiary form for
9 his license. But had he not been a waterman, everybody who is
10 on that wait list, it is a wait-list spot. And you paid for
11 it.

12 If you do not claim it for any reason when you come
13 off, if you do not claim that wait-list spot -- and people do
14 this, plenty of people do this -- then the department refunds
15 the money back to the applicant. And in this case, the money
16 would have gone back to the estate.

17 So we haven't done that in this case because the
18 family wanted the department to consider changing the rules
19 about transfers on the wait list or providing for
20 beneficiaries.

21 And basically we told them we will take it to the
22 commission because this is something that is a bit unique.
23 Again, and I don't think it is just this one case where the
24 guy actually has a beneficiary to his license because whatever
25 this commission decides, we should consider all those people

1 MS. HUNT: And very much more complicated than
2 beneficiaries. I mean, this is clearly -- nobody got on the
3 wait list thinking that they weren't going to be around to
4 receive it.

5 MR. RICE: Okay, well, you came to us for a
6 recommendation?

7 MS. HUNT: I did. I am just staring at you all.

8 (Laughter)

9 MR. RICE: Do you have a position yourself that you
10 think --

11 MS. SINDORF: My first question is how much does it
12 cost to get on the wait list?

13 MS. HUNT: It costs the fee of the license. You
14 don't pay a harvester registration fee to be on the wait list.
15 You will pay the harvester registration fee when you come off.
16 And again if you don't -- what sometimes happens is people get
17 on that wait list and then manage to find a business they want
18 to purchase or I got on the wait list for an LCC. I bought
19 somebody's CB3.

20 Or, hey, I bought an unlimited tidal fish. Never
21 mind. I don't need any of it. Then we refund the money. So
22 you are not really out anything by getting on it, other the
23 opportunity of that money at the moment.

24 MS. SINDORF: Is there an age requirement?

25 MS. HUNT: To get on the wait list, no, but to

1 receive a license, yes, because you might sit on there a
2 couple years. It depends on what you what.

3 MS. VINCENT: I think one time I looked at the
4 900-pot license and I think people have been on there since
5 like '92.

6 MR. GILMER: The 600-pot and the 900-pot license
7 are, you know, they don't move once every five years.

8 MS. HUNT: They move a little but very little.
9 Because wouldn't you just sell it rather than turn it back
10 into the department? But again, so beneficiaries?

11 MR. RICE: Rachel, you have got a good idea. I know
12 it.

13 MS. DEAN: I have got an idea. Okay, so -- and I am
14 never good at the heart thing. I guess my thought would be,
15 like Gina had said, if the man was alive, we are assuming that
16 he put a beneficiary on there, and it would be passed down to
17 someone. Benefit of the doubt. This is a family business.
18 So I am feeling the beneficiary thing. I understand. I am
19 leaning toward yes, let it go with it. But transfers, no, not
20 at all.

21 So if it was an issue of I have sold my license and
22 I want to transfer my wait spot, I would say no. The only
23 caveat to me saying I understand this position would be to ask
24 the department what is it like getting involved in estates and
25 beneficiaries, and do we really want to put that burden on you

1 | guys?

2 | MS. HUNT: Well, we are there to some extent right
3 | now because, you know, a lot of times if a waterman passes
4 | away, the only thing we have is that beneficiary form.

5 | And that actually, for us, trumps everything else.
6 | This is something -- you fill out this form annually. So, you
7 | know, if you even had a will, maybe it was 20 years ago. So
8 | the license goes where you said it is going to go.

9 | And we try not to get involved into the whole
10 | estate. But the only other thing that we ever, I would say,
11 | got more involved was in the 2012 legislation on commercial
12 | licenses, it changed a lot of the structure and the rules, and
13 | there was some provision put in there that the authorized
14 | representative actually had two years to sit on a license
15 | before they would have to find a buyer to transfer it.

16 | So that gets us a little muddled in between like the
17 | estate, the authorized rep, when are we notified, it is two
18 | years from the time of notification of the death or
19 | notification, you know, of being deceased.

20 | So we get involved but this isn't something that
21 | happens all the time. I was trying to clarify your comment,
22 | Rachel. Were you suggesting that in the case of the guy who
23 | has the license and he has already indicated a beneficiary,
24 | that the wait-list spot should be transferred with that
25 | license to that person?

1 MS. DEAN: Yes, that was my initial thought.

2 MS. HUNT: Okay, but if you are on the wait list and
3 you are not a waterman yet, you have not filled out any of
4 this paperwork. It is just going to get refunded to your
5 estate.

6 MS. DEAN: Or if you are selling the license. You
7 are getting out. It shouldn't benefit the price or the
8 dealings of that. But if this is something that a
9 family -- the dad pays the dues for the son. I don't know. I
10 tend to lean toward yes.

11 MR. GILMER: And I tend to lean toward no. I don't
12 think we go there.

13 MS. HUNT: At all, in any case?

14 MR. GILMER: At all, in any case. I know people who
15 have sat on wait lists for years and years and years. And I
16 just don't think we go there. I don't really have a permanent
17 reason but I think you are just getting involved way too much
18 in other stuff. So I just don't see it.

19 MR. RICE: We are in a position to entertain a
20 motion.

21 MR. JEFFRIES: What is the difference if you weren't
22 a waterman? If someone passes away and they have already paid
23 that fee, then you are opening it up for the people who are on
24 the wait list to the beneficiary of the people on the wait
25 list who didn't have a license. What is the difference --

1 MS. HUNT: When you apply to the wait list, you are
2 not applying on the license form that requires a -- has a
3 spot --

4 MR. JEFFRIES: But you are still paying a fee so I
5 say no all the way around because then you are opening it up
6 for everyone else.

7 MS. HUNT: But could we -- I would love a motion.

8 MR. RICE: I asked them once.

9 MS. HUNT: I said I love it though.

10 **MOTION**

11 MR. JEFFRIES: I make a motion that I don't think
12 you should -- the beneficiary ends in your death. I don't
13 think it should convey.

14 MS. SINDORF: The wait list.

15 MR. JEFFRIES: The wait list, sorry.

16 MR. GILMER: I will second it.

17 MR. SIELING: I will second it.

18 MR. RICE: All right, we have it and a second. And
19 the little discussion I will put on it is, I think when you
20 enter on a wait list, it is for your own benefit not for
21 somebody else's. I think there is a difference.

22 MS. VINCENT: I am concerned about how many people
23 don't -- actually are not still alive while they are on the
24 wait list. How many people are there on that wait list that
25 because they are not actual watermen, you are never notified

1 of the fact that they are no longer --

2 MR. GILMER: Well, when Gina sends them a letter for
3 a license, they don't answer.

4 MS. HUNT: That is possible. I mean, the timing of
5 this was actually very close. The fact that we weren't
6 notified of the death, it wasn't like it was a year later. It
7 was relatively close and the timing was terrible.

8 But if by the way that happened and this person is
9 deceased and nobody is getting the mail or it just bounces
10 back to us, because we send certified letters after a certain
11 period of time, then we just -- no response on claiming a
12 wait-list item, the information is sent to the comptroller's
13 office and a refund is automatically issued.

14 So it is not going to sit there.

15 MR. RICE: Okay, well, we do have your motion on the
16 floor and it has been seconded. Rachel, did you have a
17 comment before we vote?

18 MS. DEAN: No. I would only say that I have seen us
19 do more. We allowed people 24 licenses to overallocate our
20 striped bass fishery because they forget to -- anyway they
21 forgot to pay their dues. I would just throw that out if we
22 are going to play black and white, we should always play black
23 and white.

24 MR. RICE: All right. Thank you for your comment.
25 I am going to call for the question. All those in favor of

1 the motion before us, say aye.

2 (Chorus of "ayes")

3 MR. RICE: Opposed?

4 (No response)

5 MR. RICE: Abstain?

6 (Show of hands)

7 MS. HUNT: Three.

8 MR. RICE: Okay. Let's do show of hands. I vote
9 yes. Everybody who votes yes, raise your hand.

10 (Show of hands)

11 MR. RICE: Seven. And three people abstained. And
12 nobody votes no. The motion passes.

13 MR. GENOVESE: Can I get an exact wording on that
14 motion?

15 MS. HUNT: A wait-list position does not transfer to
16 a beneficiary. Thank you.

17 MR. RICE: All right, thank you all. All right,
18 next on the list, just take a minute to discuss what I
19 consider is a problem in my area.

20 ***Recreational Oystering***

21 ***by Billy Rice, TFAC Chairman***

22 MR. RICE: And I think that we need to discuss what
23 might be possible solutions to recreational oystering.

24 Where I tong is a put-and-take fishery. And it
25 seems to me that some days there are more oysters being taken

1 | by people for free than it is those of us who pay the
2 | surcharge. And the concerns are that a lot of our oysters
3 | aren't necessarily being accounted for because they are, you
4 | know, taken under the premise of being recreational, caught
5 | for home use.

6 | Quite frankly when you see four or five people in
7 | the boat and they are all from one family, it makes you wonder
8 | just how many oysters they can eat. So it is a good chance
9 | that these oysters are moving into some type of maybe
10 | off-the-back-of-a-pickup-truck-type sales.

11 | So that leads us to the concern that we might have.
12 | If it is a problem with this seafood being consumed, that it
13 | could possibly fall back on us as commercial fishermen. So
14 | there are a couple suggestions I have. I think that we might
15 | want to consider -- we have a recreational crab license. Why
16 | don't we have a recreational oyster license?

17 | That is going to tell us how many people are
18 | actually engaging in this fishery. If we have to tag our
19 | oysters, why shouldn't they have to purchase a tag to put on
20 | their basket, and the tag can identify them as a
21 | recreationally caught oyster that is for consumption by the
22 | catcher and not for sale?

23 | And I guess that -- I would like to open it up if
24 | anybody else has any ideas and thinks that this is an issue.
25 | Quite frankly, I think these people should be putting money

1 back into the fishery just like we do.

2 I am not sure if this type of thing would take
3 regulatory, you know, legislative action or regulatory action
4 but it is something that has been talked about in our county
5 association a lot. An example would be the Friday, day after
6 Thanksgiving this year, the public bar that I tonged on, there
7 were nine recreation boats and two commercial boats.

8 And I am rather sure that we took the low end of the
9 stick that day. Moochie?

10 *Questions and Answers*

11 MR. GILMER: And I have brought this up before here
12 about the dive charters at home. Some of them carry ten-head.
13 It is sometimes anywhere from 50 to 100 bushel a weekend taken
14 out, you know, of our fishery.

15 MR. RICE: Aubrey?

16 MS. VINCENT: Just out of curiosity, I know that the
17 health department is responsible for doing all the different
18 regulations related to national shellfish ordinance. What is
19 the local health department's opinion on something like this
20 because I know they are really concerned -- and that was part
21 of your concern about it falling back on the public fishery.

22 I would just think that none of these people have
23 been trained in any of the shellfish handling techniques or
24 anything. It is more of a public health issue almost than a
25 fishery issue because if you have all these regulations for

1 | anyone who has a license -- let's say you sell your product
2 | and you have to get your shellfish license just like anybody
3 | else and be inspected, I can't imagine they would be fine with
4 | people just hauling them out wherever.

5 | And people are taking like charter parties and doing
6 | it too?

7 | MR. GILMER: Yes, they take dive charters.

8 | MS. VINCENT: I would just think that the health
9 | department would scratch their heads at that or at least --

10 | MR. GILMER: I don't even know whether they are
11 | aware of it or not.

12 | MS. VINCENT: Really? I would think that it would be
13 | a health issue.

14 | MR. RICE: Rachel?

15 | MS. DEAN: I think that the health department issue
16 | comes into play when you are selling your catch. So if I
17 | was -- and I do it Saturdays. If I was to go out and catch my
18 | own just for my own consumption that wouldn't be an issue.
19 | And I certainly wouldn't -- I don't personally want to
20 | restrict anybody from doing that. Again, I would be one that
21 | enjoys it.

22 | But I do that we should at least have numbers on it.
23 | And I don't know if there is a way to do it. But right now,
24 | recreational oystermen are not required to have a license.
25 | They aren't required to tag things, and it is something that

1 | we could do so that it is not getting mixed into our
2 | commercial fishery because that is where we could get in
3 | trouble.

4 | MS. VINCENT: That sounds like it is blurring the
5 | line.

6 | MR. RICE: Ken?

7 | MR. JEFFRIES: The charter, I think they should be
8 | subject to the same fee you guys pay because if they are
9 | taking 10 people out, they are not -- to me, that is not
10 | recreational anymore. That is more commercial.

11 | MR. GILMER: They take these -- and a lot of those
12 | are dive clubs out of Pennsylvania and those areas.

13 | MR. JEFFRIES: Out of state. See, there are a lot
14 | of restrictions in the charter industry after October 15 on
15 | cold-water months. So I would almost venture to say all those
16 | boats that are doing that are illegal.

17 | Because I know all the T boats up our way, and there
18 | is no way they are going --

19 | MR. GILMER: The ones that carry them at home, I am
20 | pretty sure have an oyster license but you are harvesting on a
21 | day when you are not allowed to harvest. You know, most of
22 | them do it on Saturdays. And, you know --

23 | MR. JEFFRIES: I would still say the boat is illegal
24 | because you have to have a ramp. You have to have --

25 | MR. MANLEY: Fire system, all that stuff.

1 MR. JEFFRIES: Fire-buoy system. You have to have
2 survival suits for all your passengers. October 15 to May 15.

3 MR. RICE: Quite frankly, I go out on Saturday to
4 catch a bushel to eat. Why do I want to take home a bushel I
5 can sell Monday through Friday? If I want a bushel of oyster,
6 I go catch them. I am allowed to do that.

7 I just think that even though those oysters are
8 being consumed by the harvester -- and let's just say none of
9 them sold, which I am pretty certain that that would not be a
10 fair statement, that they should be contributing something to
11 putting those oysters back.

12 And just off the cuff, I thought about, well, let's
13 say Dave's staff says it costs them \$15 to process a
14 recreational license. A person goes to the DNR service center
15 and says, I want to buy a recreational oyster license. That
16 is going to cost you \$15, and you can buy up to 5 basket tags
17 or allow you to catch 5 bushel. They are \$10 apiece.

18 That money goes directly into the seed program to
19 replenish the oyster supply. I am just using these fictitious
20 figures. And they say, well, soon as we catch our 5 bushel,
21 we want to go again. You can come back and buy 5 more tags.

22 So somewhere along the line we need to get everybody
23 who is benefiting from our hard work to make sure they are
24 anteing up. And that is where I am coming from with it.

25 MR. JUDY: Just a quick history, if you read these

1 | old oyster books and such, I think, when you check it, that
2 | law goes back to a time when people needed food.

3 | MR. RICE: Exactly.

4 | MR. JUDY: So you were allowed, you didn't need a
5 | license, to get your bushel, and it is food. Well, now, of
6 | course, society today is different. So it is probably an
7 | opportune time to rethink the whole logic.

8 | Next thing: In terms of health, you have selling as
9 | an issue, but because of conditional areas -- you have the
10 | heavy rainfall -- the area could be under a conditional area.
11 | The recreational person, especially from Pennsylvania, isn't
12 | going to know that. They could harvest, eat. They get sick.
13 | They could end up in the hospital.

14 | So you still could have a health issue even though
15 | they are not selling oysters. So that would be a valid
16 | argument to exercise at least some control over this. And in
17 | terms of shells, you know, the shells themselves are \$3 to \$4
18 | in value. That is what we pay to get them through the
19 | hatchery program.

20 | So if you say, well, what should the license fee be
21 | for the recreational person, I am just putting it out there,
22 | at least a minimal value to pay for the shells that maybe end
23 | up in your driveway.

24 | So those couple ideas. And there are probably more
25 | we could think about to address the issue, put some control on

1 it. But not, say, squelch the effort. It is fun to go catch
2 a bushel but a license or a tag system. You catch the bushel,
3 you got tag it. You pay for the tag. Then each person is
4 putting in a little bit to help the oyster situation.

5 MR. RICE: Well, I think where I first started
6 having an issue with it was when we were getting good spat
7 sets and oysters that we planted were just like maybe a little
8 gravy on top of what we were already getting, who cared?

9 These people pay taxes. They are entitled to go
10 catch a bushel of oysters. But when I am hand-tonging by
11 myself, and I have to really work hard to catch five bushel of
12 oysters a day, and there is a boat right there by that smart
13 sign next to me with five-head on it that can catch the same
14 five bushel that I caught, that I paid a \$300 surcharge for
15 the privilege to do it, I start having problems with somebody
16 catching my oysters for free.

17 I shouldn't use the words my oysters. Oysters that
18 the industry put there.

19 MR. JUDY: Are you observing these recreational
20 people mostly on plantings?

21 MR. RICE: Well, that is all we have got. That is
22 the point I am trying to make.

23 MR. JUDY: That is the point I am leading up to.
24 So -- this is out there. You can discuss this for the next
25 five months but suppose you had a recreational bar. People

1 | could go to a certain area. Just a thought. That is a little
2 | more complicated, and maybe the tag is the simplest solution
3 | but just a thought that the industry invests on a bar, and
4 | those oysters are for the industry, paid for by the industry,
5 | et cetera.

6 | Maybe at least those would be off limit. Maybe
7 | there is a recreational bar. That is complicated --

8 | MR. GILMER: We can't get anything enforced now.

9 | MR. JUDY: The tag system would be more streamlined.

10 | MR. RICE: I think that we would be much better off
11 | with a system where they bought a license, we knew how many of
12 | these individuals were out there, and that they were paying in
13 | the system.

14 | MR. JUDY: Right.

15 | MR. RICE: For what they actually took.

16 | MR. JUDY: And that is actually more streamlined in
17 | the tags.

18 | MR. RICE: I mean, I think it is something that we
19 | can further discuss maybe at a future meeting and move forward
20 | with it.

21 | MR. BLAZER: Just a couple things I want to
22 | contribute. One, I would like for us to kind of go back, now
23 | that we have some of the issues and some of the thoughts, kind
24 | of get an idea of how widespread this is and much is there.

25 | But I also want to throw the caution out there that

1 | if we are looking to create a license, the governor has been
2 | pretty adamant about no new licenses, no new fees, no new
3 | taxes.

4 | We have had other groups come to us about trying to
5 | create like a largemouth bass fishing stamp. Even though they
6 | are fully supportive of it, we are not getting a whole lot of
7 | support from the statehouse on introducing a new concept of a
8 | fee.

9 | So I just want to caution the group about that,
10 | that, I don't know if there are other ways to -- you know,
11 | again, I think we need more information. We need more data.
12 | I just want to throw that caveat out there that increasing a
13 | fee or creating a new fee is not going to be very
14 | well-supported in this administration.

15 | MR. RICE: First Ken and then Rachel.

16 | MR. JEFFRIES: On the charter side, our charter
17 | sticker doesn't cover shellfish. That is why the crabbing was
18 | brought up. And if someone is making money off of it, you are
19 | going to have to create something because it isn't fair to the
20 | guys who are putting money into the system.

21 | It is different if Rachel is going out or Billy is
22 | going out and catching a private bushel. But when you are
23 | getting paid to take five, six, seven, that is wrong.

24 | Because five, six, seven three times a week, that is
25 | no longer catching them for -- that is a serious problem, I

1 | would say.

2 | MR. RICE: Rachel?

3 | MS. DEAN: Well, I could piggyback on that too and
4 | just say maybe we could follow the same pattern that we did
5 | with the crab charter license. But for now, can we approach
6 | it as in we need to know numbers because we are looking at the
7 | oyster population?

8 | So even if we did create something, maybe it
9 | wouldn't have a fee attached to it but instead it would show
10 | us how many people are buying these licenses.

11 | MR. BLAZER: I agree, Rachel. Someone just
12 | whispered in my ear we can do a free permit by regulation.
13 | But again, I think we really need data because we hear things
14 | that are going on but how do you quantify that, one, to know
15 | the impact and, two, you know, if there is, you know, a large
16 | amount of shell disappearing, that would be a nice way to
17 | bring that back in. I think the argument makes sense.

18 | MS. WHILDEN: I just had a quick question. I didn't
19 | know if it was appropriate for the public to contribute but
20 | there is already a precedent for what you are discussing in
21 | that waterfront property owners have to register crab pots
22 | when they use them.

23 | And organizations such as mine would be very
24 | supportive of -- anybody who consumes anything in this day and
25 | age is obligated to be, to contribute, to the effort,

1 especially oysters. I am an astounded that there isn't
2 already a license.

3 MR. RICE: Thank you very much. I would also like
4 to note that Ken and Rachel agreed on an issue.

5 (Laughter)

6 MR. RICE: Thanks for everybody's comments and
7 concerns, and we will look to get some feedback.

8 MR. BLAZER: We will get together and put some
9 information together and try to come back at our next meeting.

10 MR. RICE: Policy updates, Gina.

11 MS. HUNT: I am punting to Sarah.

12 ***Policy Updates***

13 ***by Sarah Widman, MD DNR Fisheries Service***

14 MS. WIDMAN: I am going to start with our normal
15 regulatory stuff. You guys should have received it ahead of
16 schedule here so I am not going to go over it except to ask
17 for questions.

18 And one addition that I don't think made it on your
19 regulatory handout is the crabbing regs that we are currently
20 scoping. There is a hearing on that here at 5:00 p.m. on the
21 4th, next week.

22 So if you guys have questions or comments on either
23 the scoping items or the regulatory and penalty update. There
24 is not a lot. We are in that period where we don't submit
25 regs right now so there is not a lot going on.

1 And there are only a couple of item for scoping, so
2 if you come up with any after the meeting, feel free to call
3 or e-mail me. FMPs: I am just following up on that. I think
4 that Nancy Butowsky, who runs our FMP program, spoke with some
5 of you earlier. And there is going to be some discussion on
6 questions that some of you had outside of today's meeting.

7 But this is just an example. So you guys have
8 gotten the legislative update report on the FMP at the October
9 meeting. And then the final version of that went out to you
10 by e-mail in December. It may have been January by the time
11 you got the e-mail.

12 This is kind of the end process. So this 2016 will
13 be our first full cycle of kind of not doing the reviews at
14 every meeting but instead doing this update process instead.
15 These are some examples staff gave of things we will try to
16 update you on at the beginning of the year.

17 If any of the highlighted things or anything you saw
18 in the update is something that you guys want us to come and
19 present more on that species, and what is going on with it
20 management-wise, we are happy to do that. Just let us know so
21 we can get on your agendas of future meetings for this year.

22 MS. SINDORF: So these are ones that you expect,
23 these are ones that were up at bat for this year to be --

24 MS. WIDMAN: And there is additional stuff. So Mike
25 obviously will keep you up to date on things happening at

1 ASMFC and stuff like that but these were just like -- I sent
2 out an e-mail to staff for some highlights on stuff that they
3 thought you guys really needed to know about now, to be aware
4 of. And we are happy to spend more time talking about it at a
5 future meeting if you guys have questions on these.

6 Or if you go back to that report and look through
7 any of the updates of species you are interested in and want
8 us to come talk more, we can do that. Just let us know.

9 Also Nancy wanted me to let you guys know that the
10 Chesapeake Bay Management Strategies workplans are up for
11 public comment. And I think you guys got that link sent to
12 you.

13 So just be advised of that. And she said she is
14 happy to have a meeting outside of now and March when the
15 comments are due if you guys want to talk about any of those
16 independently. Just let us know about that. We can set up a
17 meeting to talk about that as well. That is the FMP front.

18 Again, we are going to be collecting all the data on
19 the updates, and you guys will be getting that again at the
20 October meeting this year. This year the Sport Fisheries
21 Advisory Commission asked for kind of a cliff notes or an
22 executive summary of that to go with it at the October meeting
23 to help delineate the details because it is a really big
24 report.

25 So we are going to attempt to do something like that

1 for you all at your October meeting this year. And then
2 session. Just so you guys know, we will have this kind of
3 summary with hearing dates up on our Website. I am going to
4 update it every Friday or if something crazy happens I will
5 update it before then.

6 You can always refer to our Webpage. I think it is
7 off of the regulations Website on the fisheries Webpage. So I
8 am trying to see if there is anything. One of note for you
9 guys is that we did have a hearing yesterday on a bill that
10 would be allowing us to regulate commercial finfish trotlines,
11 which we have been asked to -- there was some unclarity in the
12 law whether or not they could be used.

13 So it clarifies that and then allows us to regulate
14 them. So we will be able to open that fishery up
15 commercially. Some ones that just came in: A Kent County
16 haul seine bill that allows for haul seining on the weekends
17 for gizzard shad. It was in last year. It is in again.
18 Defining out sail dredges, what they are. It was talked about
19 last year but it actually is a bill this year.

20 There are some membership additions to the
21 Aquaculture Coordinating Council. And an increase in the cap
22 up to \$5,000 for oyster shell recycling credit. So those are
23 some of the ones you guys may be interested in.

24 And then at your April meeting we will give you the
25 lowdown of everything that happened, but in the meantime feel

1 free on Fridays to take a look at what we have posted. Any
2 questions on the sessions stuff?

3 MR. RICE: Rachel?

4 ***Questions and Answers***

5 MS. DEAN: Were there any bills -- I think there was
6 a deadline just this week. Were there any bills that were
7 dropped that the department wasn't involved in that may
8 affect -- that you have seen?

9 MS. WIDMAN: I am not sure yet. So drafting, the
10 drafting staff downtown are still trying to draft through
11 everything that was dropped so we are just starting to get
12 stuff in. So there may be more that I just haven't seen yet.

13 MR. BLAZER: We have heard concepts of several
14 different things coming but we haven't seen or know the
15 details on it. Just know there are going to be quite a few
16 coming in there in the next week or two.

17 MS. WIDMAN: Expect the list to get much longer in
18 the next two to three weeks.

19 MR. RICE: All right, thank you for your report.
20 Dave, can you update us on the oyster management?

21 ***Oyster Management Update***

22 ***by David Blazer, Director, MD DNR Fisheries Service***

23 MR. BLAZER: Yes. Just really quick, a couple
24 things that I wanted to talk about or let the commission know.

25 First, if you look at tab 5, there has been a lot of

1 | discussion with the request for the delay in the Tred Avon
2 | project. We have had a lot of requests about the five-year
3 | project so -- or the five-year report, excuse me.

4 | So we are busy formulating that five-year report at
5 | this time, and I wanted to give you this slide that just talks
6 | about what the purpose of that five-year report is. That is
7 | in COMAR.

8 | What it is, we are looking for that report to be out
9 | in July 2016. I will give you some of the purposes and the
10 | timeline. We expect a pretty extensive outreach effort over
11 | the summer, you know, once that report comes out, talking
12 | about its results, interpreting them and providing that
13 | information.

14 | But, you know, really this is just kind of a
15 | check-in, if you will. You know, the expectation of this
16 | report is -- I just want to be realistic of what it is and
17 | what it is not. This is kind of a check-in on how we have
18 | done things or how things have progressed over the first five
19 | years.

20 | There may be some future discussion and
21 | recommendations and ideas. But again we are looking at this
22 | as just kind of a five-year check-in as we go through this
23 | process.

24 | You know, the department is still supportive and
25 | following through with the Chesapeake Bay agreement and oyster

1 restoration. We have the three sanctuaries that are out
2 there. We are hoping to get two more. So we are committed to
3 that process and to those things, and that is -- there is a
4 plan to go through with 2025. I shouldn't say a plan but that
5 is kind of the end date.

6 But this five-year check-in that we are going to
7 have this summer in July, you know, again, this is kind of a
8 check-in as we go through the process. I just wanted to share
9 really the purpose of that report and the timeline so you know
10 what to expect. We will bring a lot of that five-year report
11 and information back to you but there will be a lot of other
12 outreach and public involvement processes associated with that
13 five-year report.

14 Chris talked about the county oyster committees and
15 also the Man-O-War Shoals permit hearing. Again we have
16 talked a little bit about that. The other thing that I wanted
17 to talk about in this agenda session: Rachel had sent us
18 kind of a request for some information related to oysters and
19 aquaculture and -- so that we had some information.

20 But again with a lot of the closure days that we
21 have had and snow days and so forth, we haven't had a real
22 chance to pull a lot of the information together at this
23 point. But there was some -- and I will turn to Rachel here
24 in a second.

25 You know, there are some debates and discussion

1 going on with aquaculture and the oyster fishery. So I wanted
2 to turn it over to Rachel and let her explain some of what her
3 concepts are.

4 And then if there are specific questions that we
5 need to be focused on related to some of these issues, we
6 would be more than happy to look at those and take them to the
7 Aquaculture Coordinating Council or, you know, whatever the
8 most appropriate process is. So Rachel, if you wouldn't mind.

9 ***Comments***

10 ***by TFAC Commissioner Rachel Dean***

11 MS. DEAN: And I did. I sent in some specific
12 questions that I had just about aquaculture but I wanted to
13 start by saying Chris did a great job of saying what the
14 county oyster committees' charge was. But my actual question
15 was about the Oyster Advisory Commission.

16 In 2009, when the sanctuaries were put out there to
17 us, the Oyster Advisory Commission was really leading the
18 charge in the state. And for those of us who attended those
19 meetings, especially in the commercial industry, I felt like
20 their charge was directed at a certain purpose. And I don't
21 feel like our voice was heard as well as it could have been.

22 We did have two people who were sitting on that
23 commission. But again, we kind of all felt a little bit more
24 outnumbered there. So my question would be what is that
25 commission's charge? My question to the department being do

1 | you expect any seat changes there, and will the Oyster
2 | Advisory Commission continue to play a role?

3 | We haven't heard from them once the sanctuaries were
4 | kind of established and released. So is that something that
5 | we should think about? If not, then would this Tidal Fish
6 | Commission kind of entertain those questions that come out
7 | about oysters?

8 | I do feel that our county oyster committees are
9 | great. That is local knowledge. But those meetings happen
10 | and then there is never this come-together where we can kind
11 | of all discuss those things. That certainly wouldn't take
12 | place in the Aquaculture Coordinating Council, and we haven't
13 | traditionally really talked about oysters here.

14 | So the question is how do we as an industry kind of
15 | get what we want done if we are kind of in different places.
16 | So that was kind of my question, the Oyster Advisory
17 | Commission. The list of questions that I sent, I kind of sent
18 | it for a couple of different reasons.

19 | One, whether or not the fears are founded, I think
20 | that there is a question of kind of an aquaculture takeover of
21 | the bay. And there is conflict with user resources.

22 | And maybe it is not. Maybe there isn't. But until
23 | I personally have a couple of questions answered, I am not
24 | really sure if those fears are founded or if it is really kind
25 | of just us being a little bit overprotective of the resource.

1 So for the industry, I really wanted to know what
2 our trends were in the oyster surcharges. I think we have got
3 a lot more pressure on the fishery. I want to keep everybody
4 in the fishery but I also want to see it kind of be
5 successful.

6 The bushels harvested: I know we will get that. We
7 always get that from Lynn, and we go the counties. So that is
8 great but as far as aquaculture goes, I would kind of like to
9 see a map of the leases in the state of Maryland. How big is
10 essentially this industry that we have now created, and is it
11 something that those people who are in the public or wild
12 fishery should be concerned about kind of taking over the bay
13 and the industry?

14 So I would kind of like to know the total number of
15 lease takers too because I am wondering, you know, again how
16 big is it? Is it something that we would potentially put a
17 cap on? And that is not because I am worried about it
18 conflicting with the public fishery because usually it is not
19 on Yates Bars.

20 But there are other fisheries that are affected too.
21 Our clam bottom is affected. Our trot liners are affected and
22 most recently I know that there has been some question about
23 whether even navigation is kind of being affected in different
24 places.

25 The number of lease holders in the state of

1 Maryland. I feel like when I look at the public notices, that
2 is all I see anymore, is all these public notices about this
3 new lease bottom, new lease bottom, new lease bottom. But it
4 is not in our oyster books. It is not labeled, and that is a
5 whole other issue about, you know, whose on whose bottom.

6 But we don't see how big this new industry is, and
7 we don't really know how it is affecting us. So I kind of
8 threw out a question there: The names of individuals and
9 corporations. I understand that is a public issue. We went
10 through that with the striped bass.

11 But again I am wondering, is there a cap that we
12 need to put on the amount of bottom that somebody can hold and
13 the amount that they can essentially own? The other questions
14 or the other thoughts I had: The seafood marketing surcharge,
15 we are paying for that. Our seafood marketing has been
16 pushing aquaculture for oysters.

17 Is part of the public fishery -- I have always kind
18 of had a little bit of a problem with that considering that I
19 don't think that there is any surcharge for the people who
20 have leases. So that was just a question.

21 And then the recreational oyster harvest data. We
22 talked about that earlier. The chairman brought it up. And
23 then the other thing that I did not put on here: The public
24 fishery, our guys pay for their oyster tags. I don't think
25 there is a fee for the aquaculture tags.

1 So these are just some of the things that -- I kind
2 of feel like it is time we know because other than our county
3 oyster committees, I don't know who else is going to be a
4 voice for us.

5 MR. RICE: Thank you. Dave, is it possible at our
6 next meeting to have some of these questions answered?

7 MR. BLAZER: Yes, and again we are putting a lot of
8 that information together. We just haven't consolidated it
9 yet but I appreciate Rachel's description and focus. It kind
10 of put some things on -- we will get this information and I
11 think we will put this on the agenda for the next meeting and
12 kind of go through this and get some presentation.

13 Some of this information is online but we will
14 consolidate it and put it all in one spot, send it all off to
15 you. The other thing that I wanted to mention is the Oyster
16 Advisory Commission. That is one of the bills that we are
17 hearing about, is some possibility of reconstituting a lot of
18 the oyster committees -- not only the county committees to
19 make sure they are functioning properly. An Oyster Industry
20 Workgroup and what to do with the Oyster Advisory Committee.

21 So there has been a lot of discussion about that.
22 Again I don't know the details. I can't talk about the
23 details of that yet until the bills get dropped but that has
24 been recognized as something that kind of needs to be
25 refocused, especially with a five-year report coming out and

1 MR. JEFFRIES: Is that the northern part of the bay,
2 southern part of the bay?

3 MR. BLAZER: The whole bay. I don't think we have
4 identified specific areas to receive them yet.

5 MR. RICE: Bill?

6 MR. GOLDSBOROUGH: I was going to comment on
7 Rachel's questions. I think these are all great questions. I
8 think there are a lot of other potential related questions too
9 and you could spend the whole meeting talking about them.

10 And it seems to me that these would be great for a
11 discussion of a reconstituted Oyster Advisory Commission. And
12 I say reconstituted. Actually that is probably not even the
13 right word because if I am not mistaken, and correct me if I
14 am wrong, the OIC still exists in statute. It just hasn't
15 been convened in a couple years.

16 And it was my understanding from the administration
17 that there were plans to convene it in the near future, and
18 from the way I heard that, it would mean before the next
19 meeting of this commission. So correct me if I am wrong on
20 that too.

21 So -- and I expect it wouldn't be the same
22 membership as before. And I hope it is not.

23 MR. SIELING: I hope so too.

24 MR. GOLDSBOROUGH: There was more industry
25 represented. Because I agree, the last one was weird dynamics

1 | there. But it seems to me that a lot of these questions, or
2 | all of these questions, could make for a great agenda there,
3 | of the new OIC.

4 | MR. BLAZER: And I don't know of any scheduled
5 | meeting, Bill. I know there has been talk about trying to
6 | reconvene but I don't know a timetable yet for that.

7 | MR. GOLDSBOROUGH: Well, just take that for what it
8 | is worth.

9 | MR. BLAZER: I appreciate it.

10 | MR. RICE: Moochie?

11 | MR. GILMER: I have got a question because it is
12 | the situation where I am working now. I come here to follow a
13 | lease two years ago, and it was approved. And there are still
14 | no markings on that lease. And I actually planted in front of
15 | it during the last couple days.

16 | And since that area is not marked, am I allowed
17 | to clam there?

18 | MS. HUNT: So how do you know it is a lease then if
19 | it is not marked?

20 | MR. GILMER: Because I fought that lease here, and
21 | it was approved. I fought that lease on clam bottom but yet
22 | it was approved.

23 | MS. HUNT: Oh, but it was approved. So in order to
24 | be, yes, you have to knowingly violate a rule. So it either
25 | needs to be in a book or it needs to have been marked. The

1 lease holders understand that they have no protection if it is
2 not properly marked. They understand that.

3 In fact, that issue that Rachel brought up about the
4 closure book. It has gone before the coordinating council at
5 least twice that I can recall in regard to getting folks in
6 there. We cannot just put some leases in that closure book
7 and not all. I mean, according to the attorneys, it is all or
8 nothing.

9 And when they were surveyed, the aquaculturists
10 said, no, I don't want to advertise where my lease is. So
11 they didn't want it in the book. So it is not. Well, if it
12 is not in the book, then the only way for you to know is that
13 it is properly marked, and by law it has be marked on all its
14 corners. I mean, four corners, sorry, not all its corners.

15 MR. GILMER: So, also, since it is not marked and
16 since this guy lives down the street from me, I sort of know
17 what is going on. How long can he hold that lease with no
18 activity there?

19 MS. HUNT: You report every year on -- there is an
20 annual report. It is actually when you pay your rent for your
21 lease that you submit to the department, and you have to
22 actively work your lease.

23 Now it could be you just plant some shell because
24 you got a spat set there. Or it could be plant some seed
25 or -- but something has to happen there. And when we provide

1 the information to you all in regard to the number of leases
2 that we have right now, you will note that it is less than we
3 used to have before the aquaculture reform law because over
4 these few years since that aquaculture reform, the use it or
5 lose it policy for leaseholders is there.

6 And that is how we have removed a lot of these old
7 leases. You haven't reported activity? We revoked the lease.
8 So, you know, they have that year to get themselves up and
9 going. They submit a business plan. I mean, sometimes there
10 is shell availability issues and things of that sort but you
11 can't just sit there and take up space.

12 MR. GILMER: So if I wanted to check on this lease
13 to see whether he has even reapplied it, if he has paid the
14 next year's fee, how do I go about that?

15 MS. HUNT: We get the rent in January. You are a
16 little early for us to probably know whether or not we have
17 had his rent paid yet because here we sit in January. But
18 right, we mailed bills out at the end of the year because
19 again you pay an acreage fee. It is a per acre. Everybody's
20 is different.

21 And so you get a specialized bill and submit that in
22 with our annual report. I am not sure we would know yet if he
23 has paid. But if you, you can contact me, give me the lease
24 holder's information. I will let you know.

25 MR. GILMER: Okay. I mean, my guys are sort of

1 staying away from it not knowing whether it is a lease there.

2 MS. HUNT: And the fact that it is not marked kind
3 of does indicate that he hasn't done anything there yet.

4 MS. DEAN: Does anybody want to add anything to that
5 list of questions?

6 MR. JEFFRIES: There is not enough paper.

7 MR. BLAZER: I just want to add one quick thing. I
8 appreciate Bill's comment about the Oyster Advisory Committee.
9 I think this committee, we can talk about these things as
10 well. But some of these issues I may take to the Aquaculture
11 Coordinating Committee. The surcharge requirements, the
12 tagging -- some of the other things.

13 We want to make sure that all the committees are
14 kind of talking about all the different issues so that we are
15 trying to achieve consensus and get feedback from the
16 different committees.

17 MS. HUNT: Or we can let you know when the council
18 meets, and you can present the ideas also if that would make
19 more sense. I mean, some of these, if they require
20 legislation, there are two legislators who sit on the council.
21 And it might work better to hear from the industry.

22 MS. VINCENT: Just a question, and I don't know how
23 we are going to go about addressing it, but there has been
24 concerns in our area about buying public oysters and then
25 planting those oysters on private leases or marketing them as

1 | aquaculture oysters even though they are not.

2 | MS. HUNT: So a guy who is both a waterman and an
3 | aquaculturist harvests public oysters and then sells them as
4 | aquaculture?

5 | MS. VINCENT: Buying oysters from private
6 | individuals, like from watermen, and then buying those oysters
7 | in bulk and waiting to sell them as aquaculture oysters, which
8 | they are not.

9 | MS. HUNT: But does he plant them on a lease?

10 | MS. VINCENT: If -- unless there is enough demand
11 | where he can go ahead and mark them up then and ship them
12 | straight out. And it is also encouraging the harvest of
13 | undersized oysters for spring and summer harvest.

14 | MS. HUNT: Oh, are they undersized at the time he
15 | buys them.

16 | MR. GILMER: It is a combination.

17 | MS. HUNT: Which issue is -- yes.

18 | MS. VINCENT: The overarching issue is public
19 | oysters being marketed as undersized as private, lease or
20 | aquaculture oysters. But the other related similar issue but
21 | it is unique in its own way is that it is creating a market
22 | for undersized oysters because that oyster is going to be
23 | ready for market --

24 | MR. GILMER: After the end of the season, the size
25 | limit changes.

1 MS. VINCENT: Exactly.

2 MR. RICE: Well, that is one of those situations
3 where the changing of how we have to conduct our oyster
4 business has created new problems. There was a time in the
5 Potomac River, where we hand-tonged, it was illegal to place
6 oysters in any type of container on your boat.

7 Now it is illegal to put them in a container.

8 MS. VINCENT: I think it is a new problem that has
9 arisen with all the different changes, but my concern is, and
10 ultimately it is the individual who has to make this decision,
11 but my concern is you are going to push so hard on the public
12 fishery and someone who has enough money to invest will buy
13 those oysters --

14 MR. GILMER: We are providing seed for aquaculture.

15 MS. VINCENT: I don't even know if they are looking
16 at it that way but that is exactly what is happening. And I
17 am concerned that product is a public product and it is being
18 marketed as something that it is not, which isn't particularly
19 good.

20 MS. DEAN: I can promise you it is happening. They
21 are coming off my boat and they are going into an aquaculture
22 truck. And they are going straight to DC. It was an issue
23 that I wasn't going to bring up here because I think it is a
24 social issue that we need address because of those different
25 reasons, the socioeconomic, but it is happening.

1 And I think the frustrating part for me is the state
2 is proud of its aquaculture industry but it is being supported
3 by a wild fishery more than you know.

4 MS. VINCENT: And to encourage people to put
5 themselves out of business with undersized oysters is asinine
6 at best. I don't even know how to describe it without getting
7 upset but it is just -- I see people cutting their nose off to
8 spite their face.

9 MS. DEAN: Ours is the right size oyster but it has
10 driven the markets up because there is new demand created but
11 talk about seafood labeling mayhem created.

12 To go back to your question, Gina, I don't want to
13 take this to the aquaculture council because I want this
14 commission to have a chance to discuss these answers.

15 MS. HUNT: So you don't want the department to take
16 it to the council.

17 MS. DEAN: I do but you said -- okay, we as in you
18 will take it to them? I don't want to go to them and get the
19 questions.

20 MS. HUNT: There is a long list of questions, many
21 of which I just think the department needs to respond. But in
22 the case of like paying for the tags. That is something that
23 would go before the Aquaculture Coordinating Council. Because
24 currently -- you are right. They don't pay for the tags.

25 What was the other one? The marketing surcharge: I

1 think under both cases -- we would have to go back and look
2 and see under what authority we would have to charge them that
3 surcharge or if it requires a law change.

4 And that is why I was suggesting -- I think they
5 meet before you meet again. I think they meet again before
6 you meet. So that is why I was saying maybe it would be
7 beneficial, at least on those two things that are fee related,
8 that they go before the Aquaculture Coordinating Council.

9 There are two legislators who sit on there. Maybe
10 we would have some feedback from them as well. But not that
11 whole long list.

12 MS. DEAN: And I won't get into the fact that they
13 pay \$3.50 an acre to own bottom from our clambers and our trot
14 liners but can you explain to me once aquaculture left the
15 Department of Agriculture, where does it fall in the
16 department, because when I hear you say that we can't impose
17 on them, I thought they were us now. Can you explain that to
18 me?

19 MS. HUNT: I mean what authority the department has
20 to establish fees.

21 MS. DEAN: Aquaculture is part of the Maryland
22 Department of Natural Resources now, right?

23 MS. HUNT: Correct.

24 MS. DEAN: It is not part of the fisheries division
25 though.

1 MS. HUNT: No, it is.

2 MR. BLAZER: But we get our authority from the
3 legislature --

4 MS. DEAN: Especially with fees.

5 MR. BLAZER: Right, and we don't have -- we only
6 have specific authorities of things that we can do. And that
7 is given to us by the general assembly. But aquaculture is in
8 our unit and managed by fisheries.

9 MS. HUNT: In our list of questions, we will get
10 back to you on the authority even if we have that authority.
11 If not, it does have to go through the general assembly. So
12 it would be timely to give you at least that information.
13 Whether or not the department is able to promulgate that
14 change by regulation.

15 MS. VINCENT: We have got some lease holders in our
16 area who also have commercial licenses, and they are
17 harvesting multiple times on their day to plant on their
18 leases. So they catch their limit, plant, come back, catch
19 their limit, plant --

20 So where you have one individual -- let's say I am
21 just a waterman. I will catch my limit depending on what gear
22 type I am using. I have to harvest that at a dock. They are
23 never actually landing those oysters so they are harvesting
24 double and triple their limits daily.

25 But they are not actually harvesting except planting

1 | it directly on their lease bottom.

2 | MR. RICE: But they are taking it from the public
3 | fishery.

4 | MS. VINCENT: Essentially yes. So they are taking
5 | three times, or two times the limit of what a regular boat
6 | would take. That is an enforcement issue but it is hard to
7 | enforce unless you actually watch them do it and then do it
8 | again. But it is a concern, especially in our area.

9 | MS. HUNT: Both those issues are enforcement issues
10 | because in any case, NRP would have to catch them with the
11 | undersized oysters or with the oysters --

12 | MS. VINCENT: In the act.

13 | MS. HUNT: Yes, harvesting more than once. In both
14 | those cases, they are harvesting as a waterman. That should
15 | be something they are reporting. It should be on their
16 | harvester reports.

17 | MS. VINCENT: I would think so, yes.

18 | MS. HUNT: And then it wouldn't be in a dealer
19 | report, which would be interesting.

20 | MS. VINCENT: Because technically, yes, it is
21 | supposed to go in unless they have their own dealer license.

22 | MS. HUNT: And that is not that easy, with oysters,
23 | to have a dealer license.

24 | MR. SIELING: Maybe George is going to address this
25 | when he has his opportunity to talk about his field notes but

1 George O'Donnell and I did some reporting on this last year.
2 And George took back information to DNR about all these gray
3 issues that Aubrey is talking about, and that are going on and
4 are widely known.

5 This is nothing new. This is not brand-new
6 information. This is old information that has been around for
7 at least a year. George, are you going to make any comments
8 on this or not?

9 MR. O'DONNELL: On the NRP issues?

10 MR. SIELING: About these poaching issues and
11 everything we talked about.

12 MR. O'DONNELL: It has been on every agenda I have
13 had. I have left it off of this one. I talked to NRP
14 yesterday. What I have been doing now, as different concerns
15 have come in, I have called them directly. A gentleman used
16 to dive for me when I was on the water, a Natural Resources
17 Police officer, so I talked to him directly about these
18 issues. They are ongoing serious problems, and they are
19 generally, I think, resource-based.

20 So, yes, I have heard all the things you are talking
21 about. There is no question. And the problem is, you know,
22 a public oyster has to be three inches, as you know. There is
23 an enormous market for 2 1/2 inch oysters. That was in my
24 first report. You can sell as many of them as you can get.

25 So if you can get this past them the watchdog, that

1 is the whole thing. You can sell all you want. They are
2 hundred-count bags. So -- and it is not as much trouble
3 shipping them. They are smaller oysters taking up less space.

4 It is a lucrative thing to do and it is an ongoing
5 problem. It has been. I called the areas where that
6 information comes to me, perhaps in your area, and gave direct
7 information. Because the same gentleman who gave me that
8 information to put on the first field report I gave called me
9 again. So it is a serious problem.

10 It a very troubling because some predict their real
11 harvest to be down some this year. Well, if you sell this
12 year's oysters last year, there is no mystery why that is.

13 MR. GILMER: And if they don't get reported as being
14 harvested, you know --

15 MR. O'DONNELL: That is another thing.

16 MR. GILMER: -- you are losing twice.

17 MR. RICE: All right, well, this has generated a lot
18 of conversation, and Dave says his report is wrapped up. So
19 before we move on to George O'Donnell's field notes, just one
20 little comment is this is really a struggle for us who come to
21 these meetings and we work with the department in good faith
22 but yet we have people in the field who are trying to
23 undermine what we are doing to preserve the fishery.

24 And that is just what is happening. You are getting
25 undermined when you are trying to make this fishery fair for

1 everybody. So I think we just need to relate that this is a
2 serious problem. And we should move forward to some type of
3 solution. George, I would like for you to give your field
4 notes at this time, please, if you could.

5 *Field Notes*

6 *George O'Donnell, MD DNR Fisheries Service*

7 MR. O'DONNELL: Thank you, Mr. Chairman, and happy
8 birthday. When you turn 50, you should have a party.

9 MR. RICE: How much would that be?

10 (Laughter)

11 MR. O'DONNELL: Congratulations. That is how old
12 you were when you were on that MWA board. Congratulations.

13 Anyway, I think I know mostly everybody in the room
14 but I am George O'Donnell. I am the fisheries' customer
15 relations manager, and I work with the stakeholders of
16 Maryland fisheries. Our friends from the ocean clear to the
17 headwaters. And just a couple things on what my field report
18 is based on.

19 As far as collecting the information, as it comes to
20 us, that is how you see it. Some of the reports are going to
21 look like there are more implications to the recreational or
22 charter fisheries than commercial and vice versa. It is all
23 based on the flow of information as I get it and assemble it
24 and put it on here.

25 But the reason I feel the need to give both

1 commissions identical information, one, I think you need to
2 know what we are hearing from the field because almost all of
3 these issues are both inextricably linked to both commissions
4 but they have different effects.

5 For instance, somebody might come to the public
6 hearing Tuesday night and say, well, I am against this shell
7 dredging because it is going to put a tremendous amount of
8 suspended sediment in the water. Somebody else might say,
9 well, all this fossil shell, that could regenerate oysters,
10 and that is going to clean the water up for us, isn't it?

11 And you will no doubt hear those comments and many
12 others throughout the night. But that is the reason why so
13 many of the different reports, you will hear different takes
14 on it whether you are listening from Bill's commission
15 standpoint or -- because it could be a conservation effect
16 there, a water-quality effect.

17 It may be more of a harvester effect to the others
18 who are represented through those various commissions.

19 So in regard to -- a lot has been said about
20 Man-O-War Shoals. The only thing I would say to it is that
21 every group I talk to, whether you are looking at state
22 sanctuaries, aquaculture, Horn Point, the public fishery --
23 all say that the substrate is extraordinarily needed. We need
24 to stay focused on that for the long-term plan, whether the
25 permit for Man-O-War Shoal is granted or not.

1 That will only last so long so that is going to be
2 very important moving ahead into the future.

3 Stakeholders who clam, Moochie among them, want to
4 look at other areas where they might be able to clam that
5 perhaps clamming was allowed before and not now. For
6 instance, you cannot clam in an old oyster sanctuary, even in
7 areas that don't produce oysters, but in some of them new
8 sanctuaries, you can. And sanctuary is just one area. I just
9 bring that up.

10 But to find other areas to spread people out through
11 the fishery. There are not many people clamming right now but
12 perhaps some of these things can be looked at, and by the time
13 the spring set comes on because there has been a regeneration
14 of clams. We have probably had the best set of soft clams in
15 20 years this past year, so there is some renewed interest in
16 looking at that, and what can be done to aid additional areas
17 in that fishery.

18 Some of the fishermen down the bay have brought up a
19 number of times, it seems like, the egg-laden striped bass
20 going to the spawning grounds, particularly from Virginia, are
21 targeted in their harvest season, whether that be -- I am not
22 sure where the crossover is from nets to hook and line, but
23 regardless how that fish is harvested, if it doesn't spawn,
24 you don't get the benefit of the spawned fish.

25 So if it is targeted -- what they are generally

1 saying is try to protect it, allow it to spawn, then perhaps
2 look at being harvested after it has spawned. So to whatever
3 degree we can look at that and talk to Virginia about that, it
4 seems to make sense.

5 And that benefits, for instance -- and that is
6 another issue. That benefits everybody who fishes because
7 obviously the more fish you have in the bay, whether you catch
8 them recreationally or commercially, you are a beneficiary of
9 that.

10 The current season for harvesting striped bass by
11 pound nets is June 1 to November 30. The past three years the
12 department has extended that season to allow those fishermen
13 the opportunity to catch their quota to the end of the year,
14 to December 31.

15 There is an interest by the pound netters to
16 continue to fish into 2016. And to catch the 2016 quota with
17 their pound nets instead of removing that gear and going drift
18 netting, and then you have got more by-catch issues and so
19 forth. That would require regulatory change. You couldn't
20 just summarily allow that to happen as adding to the harvest
21 to the end of the year to allow them to catch their quota.

22 So that is something that needs to be considered.
23 Most people think pound nets are a good way to harvest fish
24 but that issue had come up so I wanted to share that with you.

25 And then there was one other issue I wanted to bring

1 to your attention. A stakeholder in the Potomac area is
2 requesting a regulatory change to increase the mesh size of
3 gill nets for the purpose of harvesting blue catfish in the
4 tributaries of the Potomac River.

5 The stakeholder indicates there is an abundance of
6 these fish in that area, and we looked at what about using
7 another gear? And he said, well, the areas he is talking
8 about, there are too many obstructions to use haul seines, and
9 he believes these fish need to be controlled.

10 In fact, in his e-mail it says, to get rid of some
11 of them. So I am sure Mr. Rice is trying to help him out with
12 getting rid of some of those fish. But anyway that is what he
13 came up with.

14 Some people, when I mention that, they say, well,
15 that is about like going hard crabbing with a gill net. You
16 don't gill a catfish. They become entangled. So to remove
17 them from the net becomes a challenge in itself.

18 So those were the issues I wanted to touch on. Some
19 future reports will include some things about black drum. But
20 those are the things I wanted to bring to your attention.

21 MR. RICE: Well, George, do you want this commission
22 to give you some direction that we think you should move
23 forward on those last two items?

24 MR. O'DONNELL: We love direction certainly, and I
25 would defer to Dave. Maybe we could take the last one first

1 | because I know you are an expert on the blue catfish situation
2 | in the Potomac River, and the gentleman is asking about -- I
3 | have heard this from one person that, we have been hearing
4 | more about blue cats and the amount of blue catfish and so
5 | forth there in the Chester River and other places. And I know
6 | you know that.

7 | MR. RICE: Well, number one, I don't claim to be an
8 | expert on anything. I get up every morning hoping I learn
9 | something each day. So I keep struggling along. But I think
10 | a good reply back to this gentleman who wants to go gill
11 | netting for good catfish is that I do both.

12 | I gill net for striped bass and white perch and I
13 | also fish for blue catfish. I think that this is not an
14 | acceptable gear to target that species with for more than one
15 | reason. Number one, it is not feasible. And I think if this
16 | gentleman tried it, he would find that out.

17 | In fact, I think he has already tried other methods,
18 | so I am not sure that he is just not maybe grasping for
19 | straws. So if the committee doesn't object to it, I would
20 | instruct you to tell him that it was brought to our committee
21 | and we decided that it was not feasible and that there would
22 | be too much risk for bycatch, and we could move right along on
23 | this one unless somebody has got a problem with that.

24 | Okay, I see a lot of blank --

25 | MR. BLAZER: No problem with that. I also want to

1 that. But correct me if I am wrong, George, they want to just
2 keep right on fishing on the following year's quota after the
3 first of the year.

4 MR. O'DONNELL: We are not talking about to that.
5 Just finish my 2015 quota, and it is the last day of the year.
6 Why do I have to take my net up? Why can't I stay fishing for
7 my 2016, my renewed quota. And catch it with my pound net
8 instead of switching to a gear that is certainly going to
9 increase bycatch by drift netting.

10 MR. JEFFRIES: So it becomes a 12-month fishery in
11 other words.

12 MR. RICE: Well, maybe I am talking to much but I
13 always felt that, you know, the pound net should have just
14 went out at the end of the year, and there are a lot of issues
15 with ice and that kind of stuff. It is not really a good
16 thing to leave those nets out there.

17 MR. O'DONNELL: Sometimes, no question. But
18 sometimes the weather is going to decide what you can do with
19 pound netting, but this year was one of those times they were
20 still doing well with striped bass. You are talking about a
21 half-dozen people probably who were interested in that.

22 MR. GILMER: But I think that overlaps into allowing
23 them then to purchase more -- I am not sure you want the
24 conflict of the two gears, you know, because since a gill
25 netter can only gill net those two months, January and

1 February, I am not sure you want that conflict of gear
2 fighting for those, for that quota.

3 MR. O'DONNELL: I had a couple comments because I
4 figured that would come up, and I asked a couple prominent
5 gill net fishermen. Then it gets into the gear conflict
6 thing. They are catching my fish kind of thing.

7 MR. RICE: Mike, did you have something?

8 MR. LUISI: That is what the issue really is. It is
9 about how much access or how much of the historic gill net
10 fishery do you want to maintain? It would be my suggestion,
11 if we were to open up January and February to pound netting,
12 that we would open it up probably for hook and lining as well.

13 Because why not? If you are going to -- if you have
14 a gear type that you use, and that is your predominant gear
15 type, does it really matter how it is harvested? Well, to the
16 department it doesn't. But the social aspect and the economic
17 impact of that, those competing interests with gears, could
18 throw into the flux the historical dynamic of the gill net
19 fishery.

20 So that would be the biggest issue. We can
21 certainly bring it to the working group. We don't have a
22 meeting planned right now, and Rachel is probably looking up
23 the notes from last time we met.

24 So we didn't talk about this. What we talked about
25 was allowing pound netters to fish in the common pool, if you

1 remember that.

2 MS. DEAN: I remember that. I think this might have
3 just been hinted at.

4 MR. LUISI: So the whole thing that George brought
5 up is every year we have been extending the pound-net season
6 and the hook-and-line season through December as a way to let
7 everybody at the end of the year catch all their quota. And
8 we have been okay with doing that by public notice without
9 regulation.

10 And what I have talked with George about is that if
11 we do open this fishery up and let January and February become
12 a gill-net/ hook-and-line/ pound-net period of time just like
13 December, that would require regulation change of public
14 vetting process and, you know, we would have to be more
15 inclusive of the process there.

16 We could consider just December in allowing December
17 to be that catch-all for anything that is left.

18 MR. RICE: Make that sort of permanent.

19 MR. LUISI: Make it permanent. But we could bring
20 it to the workgroup. Chris Jones has been getting some
21 questions and things that we might be able to have a meeting
22 about in a couple months.

23 MR. O'DONNELL: That is what I would say then. Take
24 it before the workgroup the way you have some of these other
25 issues. Just like we ferreted out -- you know, my last field

1 report -- a lot of stuff about crabs that went to the Blue
2 Crab Advisory Board. So that is probably -- I would think
3 that is a good recommendation.

4 MR. RICE: I think that is an excellent idea if
5 everybody else agrees with it.

6 MR. O'DONNELL: The only other question I would
7 have, in regard to soft clammers looking for additional areas,
8 do you think it would make sense -- and I spoke to Chris a
9 little bit earlier today about this --

10 Do you think it would make sense to have, instead of
11 the department, I guess, going out looking for places to clam,
12 to have the clammers identify places they might want to have
13 under consideration to have expanded, and then have the
14 department look at those areas? Just an idea.

15 I can certainly get some of the principals together
16 to make some recommendations. They know the areas they have
17 clammed in traditionally where you can't clam now.

18 MR. RICE: I will go to Moochie for guidance on
19 that.

20 MR. GILMER: Yes, I mean, we can definitely --
21 certain areas, I think, are not being utilized at all, and,
22 you know, whether you want us to bring them to you and then do
23 some type of survey on them?

24 MR. BLAZER: Well, Chris, I don't know if we want to
25 talk to Mitch and some others and maybe just get a meeting

1 with Moochie and some of the people and just talk about this
2 concept.

3 MR. JUDY: (Away from microphone) Yes, George and I
4 have been discussing it because it is a clamming issue. In
5 one case, we did a clamming survey on a proposed lease. And
6 of course that has generated some conversation.

7 MR. BLAZER: We will follow up.

8 MR. RICE: All right, thank you for your report,
9 George. Well, we have already done our public comment at the
10 beginning of the meeting. Dave, do you have any closing
11 remarks?

12 ***Closing Remarks***

13 ***by David Blazer, Director, MD DNR Fisheries Service***

14 MR. BLAZER: Just a couple really quick things.
15 One, I think we sent -- just something we would like you to
16 take a look at -- the Chesapeake Bay Agreement workplans. I
17 think we sent you a link for those. Those are open for the
18 comment period. We would appreciate you all taking a peek at
19 that.

20 The other thing that I wanted to say was I
21 appreciated everybody's work on these committees. I thought
22 today's meeting was excellent. We have had a lot of good
23 discussion. A lot of good dialogue back and forth. I am glad
24 we have those and I want to encourage those.

25 I also want to say, I want to drive a lot of our

1 | discussions to motions and recommendations and maybe taking
2 | votes. I don't want to leave here without clear direction
3 | from the commission. So if, you know, we make motions and
4 | things, it makes our job much easier when we can say, well,
5 | the Tidal Fish Commission voted 10 to 2 to take this action
6 | and to do these things.

7 | So I am hoping that we will do those things and kind
8 | of put more questions to you to give us feedback. And where
9 | there is time to make a motion, to make an action, I would
10 | like to see that, and I appreciate your cooperation in that.

11 | I just want to reference the Sport Fish Advisory
12 | Committee. We had a great debate Tuesday when we met about
13 | striped bass, about the captain's choice and the recreational
14 | charter boat limits and stuff. They spoke for two hours.

15 | Our meeting ran very long but we got to a vote, we
16 | got specific recommendations from that committee to take to
17 | the Technical Committee, and I think the process worked.

18 | So I appreciate your participation in these
19 | processes, and that is kind of what I would like to see us in
20 | the future really drive to get motions and recommendations so
21 | it is clear to the department what your recommendations are to
22 | us or what your advice is to us. So again thank you all, and
23 | that is it for me.

24 | MR. RICE: Well, I will tell you I appreciate those
25 | comments, and I think that is what we will work forward to.

1 And I would just like to say that I appreciate everybody
2 taking the time, and the professionalism that everybody uses,
3 and the respect of everybody's difference of opinion is always
4 appreciated.

5 So at this time we will stand adjourned, and thank
6 you very much.

7 (Whereupon, the meeting adjourned at 5:24 p.m.)

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